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1950



Government of West Bengal

Legislative Department

West Bengal Acts and Ordinances

1950

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West Bengal Act I. of 1950.

THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) AMENDMENT ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act further to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948.

West Ben.
Act VIII
of 1948.

WHEREAS it is expedient further to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Corporation of Calcutta (Temporary Supersession) Amendment Act, 1950.

Short title
and com-
mence-
ment.

West Ben.
Ord. IV of
1950.

(2) It shall come into force on the date on which the Corporation of Calcutta (Temporary Supersession) Amendment Ordinance, 1950, ceases to operate.

2. In sub-section (3) of section 1 of the Corporation of Calcutta (Temporary Supersession) Act, 1948 (hereinafter referred to as the said Act), for the words and figures “31st day of March, 1950” the words and figures “31st day of December, 1950” shall be substituted.

Amend-
ment of
section 1
of West
Bengal
Act VIII
of 1948.

3. Clause (c) of sub-section (1) of section 4 of the said Act shall be omitted and shall be deemed always to have been omitted.

Amend-
ment of
section 4.

4. After section 8 of the said Act, the following section shall be inserted and shall be deemed always to have been inserted, namely:—

Insertion
of new
section 8A.

“8A. (1) Nothing in this Act or in any other law shall be construed as effecting or implying in any way the dissolution of the Corporation as a body corporate.
(2) Notwithstanding anything in this Act or in any other law, suits, prosecutions and other legal proceedings shall be instituted, defended or continued in the name of the Corporation in like manner as immediately before the commencement of this Act.”

(Corporation to continue as a body corporate and proceedings to be in its name.)

5. On the Corporation of Calcutta (Temporary Supersession) Amendment Ordinance, 1950, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899, shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

Saving.

Ben. Act
I of 1899.

Price—Indian, annas 2; English, 3d.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act II of 1950

The West Bengal
Bargadars Act, 1950



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Price—Indian, annas 2; English, 3d.

West Bengal Act II of 1950.

THE WEST BENGAL BARGADARS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 15th March, 1950.]

An Act to provide for the regulation of certain rights inter se of bargadars and owners of land and for the establishment of Bhag Chas Conciliation Boards for the settlement of disputes relating to certain matters between bargadars and owners of land.

WHEREAS it is expedient and necessary to provide for the regulation of certain rights *inter se* of *bargadars* and owners of land and for the establishment of *Bhag Chas* Conciliation Boards for the settlement of disputes relating to certain matters between *bargadars* and owners of land;

It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the West Bengal *Bargadars Act, 1950.*

Short title,
extent,
commence-
ment and
duration.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date on which the West Bengal *Bargadars Ordinance, 1949*, ceases to operate.

(4) It shall remain in force up to the 31st day of March, 1953.

West Ben
Ord. X of
1949.

2. In this Act, unless there is anything repugnant in the subject or context, —

Interpre-
tation.

(a) “Appellate Officer” means an officer appointed under section 11;

(b) “*bargadar*” means a person who under the system generally known as *adhi*, *barga* or *bhag*, cultivates the land of another person on condition of delivering a share of the produce of such land to that other person but shall not include any such person—

(i) if he has been expressly admitted to be a tenant by the owner in any document executed by him or executed in his favour and accepted by him, or

(ii) if he has been held by a Civil Court to be a tenant;

(c) “Board” means a *Bhag Chas* Conciliation Board established under sub-section (1) of section 6 and includes an officer authorised under the proviso to sub-section (4) of that section;

(d) “Collector” includes any officer appointed by the State Government to exercise all or any of the powers of a Collector under this Act;

(e) “Court” includes the High Court;

(f) “notification” means a notification published in the *Official Gazette*;

(Rights of bargadars and owners of land inter se.—
Sections 3—5.)

- (g) “owner” in relation to any land cultivated by any person as a *bargadar* means the person whose land the *bargadar* so cultivates;
- (h) “prescribed” means prescribed by rules made under this Act; and
- (i) “produce” includes straw or stalk of any crop.

Rights of bargadars and owners of land inter se.

Division of
produce.

3. The produce of any land cultivated by a *bargadar* shall be apportioned between the *bargadar* and the owner of such land in accordance with the following principles, namely:—

- (1) if the *bargadar* and the owner whose land he cultivates agree in writing to any mode of division, such mode of division shall be adopted;
- (2) if there is no such agreement as aforesaid—
 - (a) the *bargadar* or the owner, as the case may be, who supplies any seed for growing any crop shall be entitled to an amount of the produce equivalent to the quantity of seed supplied;
 - (b) the *bargadar* and the owner shall each be entitled to one-third of the balance of the produce which remains after deducting the amount of the produce referred to in paragraph (a): Provided that the *bargadar* shall receive a greater share of the balance of the produce, if he is entitled to such greater share under a written contract between himself and the owner or under any local custom or usage;
 - (c) the remainder of the produce left after deducting the quantities referred to in paragraphs (a) and (b) shall be divided between the *bargadar* and the owner in such proportion as would be fair and reasonable having regard to their respective contributions to the cost of cultivation including in particular the supply of plough-cattle, plough and other agricultural implements and manure and to the cost of protection or irrigation of the land.

Right to
supply
plough-
cattle, etc.

4. As between a *bargadar* and the owner whose land he cultivates, the *bargadar* shall have the prior right to supply plough-cattle, plough, other agricultural implements or manure or to bear any other expenses of cultivation.

Termina-
tion of
cultivation
by *barga-
dar*.

5. (1) The owner of any land cultivated by a *bargadar* shall be entitled to terminate the cultivation of such land by the *bargadar* on one or more of the following grounds, namely:—

- (a) that the owner desires to cultivate the land by himself or by members of his family or by servants or labourers;

11 of 1950.]

(Conciliation proceedings between bargadars and owners.—
Section 6.)

- (b) that the *bargadar* has misused the land or has wilfully neglected to cultivate it properly;

Explanation.—If the produce of any land cultivated by a *bargadar* in any year is unduly below the produce in the same year of similar and similarly situated lands in the vicinity, the *bargadar* shall be deemed to have wilfully neglected to cultivate the land properly;

- (c) that the *bargadar* has failed to deliver to the owner within the prescribed period at least that share of the produce to which the owner is entitled under paragraph (b) of clause (2) of section 3; or

- (d) that the *bargadar* has failed to comply with any award or order of a Board or of an Appellate Officer, as the case may be, within the time allowed by the Board or by the Appellate Officer:

Provided that the cultivation of such land by a *bargadar* shall not be terminated on any of the above grounds except under the order of a Board.

(2) Where the cultivation of any land by a *bargadar* is terminated under clause (a) of sub-section (1) and the land is not cultivated by the owner himself or by members of his family or by servants or labourers within one year from the date of such termination or the land having been so cultivated is allowed to be cultivated by another *bargadar* within five years from such date, the *bargadar* first mentioned shall be entitled to be restored to the cultivation of the land by him.

Conciliation proceedings between bargadars and owners.

6. (1) The State Government may, by notification, establish one or more *Bhag Chas* Conciliation Boards for any local area specified in the notification.

Establishment of
Bhag Chas
Conciliation
Boards.

(2) Every Board shall consist of a Chairman who shall be a person in the service of Government and four other members, two of whom shall be representatives of *bargadars* cultivating lands situated in the local area for which the Board has been established and the other two shall be representatives of owners of lands cultivated by such *bargadars*.

(3) The Chairman and other members of the Board shall be appointed by the State Government and each of them shall hold office for such term not exceeding two years as the State Government may specify at the time of his appointment.

(4) The State Government may, at any time, cancel by notification, the appointment of the Chairman or of any other member of a Board or dissolve any Board stating the reasons for such dissolution in the notification:

Provided that when a Board is dissolved and the State Government does not consider the appointment

(Conciliation proceedings between bargadars and owners.—
Sections 7—9.)

of another Board to be necessary or desirable, it may authorise any person in the service of Government to exercise all or any of the powers of the Board, as it thinks fit.

Bhag Chas
Concilia-
tion
Boards to
have
exclusive
jurisdic-
tion to
decide
certain
disputes.

7. (1) Every dispute between a *bargadar* and the owner whose land the *bargadar* cultivates with regard to any of the following matters, namely:—

- (a) the division or delivery of the produce;
- (b) the priority of the right to supply plough-cattle, plough, other agricultural implements or manure or to bear any other expenses of cultivation;
- (c) the termination of or the restoration to cultivation of such land by the *bargadar*;
- (d) the place of thrashing or the place of delivery of the owner's share of the produce,

shall be decided by a Board established for the local area within which such land is situated.

(2) In deciding any dispute referred to in sub-section (1), a Board shall observe the provisions of sections 3, 4 and 5.

Explanation.—Where there is an agreement under clause (1) of section 3, a Board shall consider whether such agreement was made by the free consent of the parties thereto and shall disregard such agreement if it is satisfied that consent to such agreement was caused by coercion, undue influence, fraud, misrepresentation or mistake.

(3) The decision of a Board shall be embodied in the form of an award where the dispute is in respect of the division of the produce and shall in other cases be in the form of an order.

Power of
Board to
cause crop
to be har-
vested and
thrashed.

8. Where a Board established for a local area within which the land which a *bargadar* cultivates is situated, is satisfied that necessary steps may not be taken by the *bargadar* or the owner as the case may be, for harvesting or thrashing any crop in proper time, it may of its own motion or on the application of the aggrieved party cause such crop to be harvested or thrashed at the expense of the defaulting party and may order such expense to be recovered from the defaulting party in such manner as may be prescribed.

Bar of
jurisdic-
tion.

9. (1) No award or order or other proceedings whatsoever of a Board or of an Appellate Officer and no proceedings whatsoever in execution of such award or order shall be questioned in any Court.

(2) No Court shall entertain any suit or any proceedings whatsoever in respect of a matter required under sub-section (1) of section 7 to be decided by a Board referred to in that sub-section.

II of 1950.]

(Conciliation proceedings between bargadars and owners.—
Supplemental.—Sections 10—18.)

Act V of
1908.

1 of 1872.

10. (1) A Board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a Civil Court by the Code of Civil Procedure, 1908.

Board's
power to
summon,
etc.

(2) In deciding any matter before it, a Board shall not be bound to observe the provisions of the Indian Evidence Act, 1872.

11. An appeal shall lie within the prescribed period to an Appellate Officer to be appointed by the State Government against any award or order of a Board made under this Act, except where such award or order was made by the Board with the consent of the *bargadar* and the owner.

Appeal.

12. (1) The procedure to be followed by a Board or by an Appellate Officer, shall be as may be prescribed.

Procedure
and
execution.

(2) An award or order made by a Board or by an Appellate Officer, shall be executed by the Collector in such manner as may be prescribed.

Supplemental.

Act XLV
of 1860.

13. Every Chairman or member of a Board and every Appellate Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Chairman,
etc., to be
deemed
to be
public
servants.

14. Any person who fails to comply with an award or order made under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty.

15. Any money payable under an award or order made under this Act shall be recoverable as an arrear of public demand.

Money
to be
recover-
able as
public
demand.

16. No suit, prosecution or other legal proceedings whatsoever shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

Indemnity.

17. (1) Nothing in this Act shall be deemed to create any relationship of landlord and tenant between an owner and a *bargadar* who cultivates his land.

Non-
accrual
of certain
rights.

(2) Nothing in this Act shall be deemed to confer on a *bargadar* any heritable or transferable right to cultivate the land of the owner.

18. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything to the contrary in any other law, or in any custom, usage, contract or instrument.

Act to
prevail
over other
law, etc.

(Supplemental.—Sections 19, 20.)

Power to
make
rules.

19. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:—

- (a) the period within which a *bargadar* shall deliver to the owner the share of the produce to which the owner is entitled under this Act;
- (b) the manner in which expenses shall be recovered under section 8 from the defaulting party;
- (c) the period within which an appeal shall lie under section 11 to an Appellate Officer;
- (d) the procedure to be followed by a Board or an Appellate Officer;
- (e) the manner in which an award or order made by a Board or Appellate Officer shall be executed by the Collector; and
- (f) any other matter required to be prescribed under this Act.

Savings
and
validation.

20. Any rule, order, award or appointment made, any notification issued, any proceedings or prosecution commenced, any punishment incurred or imposed, any action taken or anything done under any provision of the West Bengal *Bargadars* Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, incurred, imposed, taken or done under the corresponding provision of this Act, as if this Act had commenced on the 14th day of November, 1949.

West Ben.
Ord. X
of 1949.

West Bengal Act III of 1950

THE WEST BENGAL DISTRICT BOARDS (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act further to amend the West Bengal District Boards Act, 1947.

West Ben.
Act III of
1947.

WHEREAS it is expedient further to amend the West Bengal District Boards Act, 1947, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal District Boards (Amendment) Act, 1950.

Short title
and com-
mence-
ment.

West Ben.
Ord. II of
1950.

(2) It shall come into force on the date on which the West Bengal District Boards (Amendment) Ordinance, 1950, ceases to operate.

2. In the proviso to section 5 of the West Bengal District Boards Act, 1947, for the words "two years and six months" the words "three years and four months" shall be substituted.

Amend-
ment of
section 5
of West
Bengal Act
III of 1947.

Ben. Act
I of 1899.

3. On the West Bengal District Boards (Amendment) Ordinance, 1950, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

Savings.

Price—Indian, annas 2; English, 3d.

West Bengal Act IV of 1950

THE WEST BENGAL JUTE GOODS (CONTROL) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 15th March, 1950.]

An Act to provide for the regulation, maintenance and increase of the production and supply of jute goods and for the regulation of the distribution thereof.

WHEREAS it is expedient to provide for the regulation, maintenance and increase of the production and supply of jute goods and for the regulation of the distribution thereof;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Jute Goods (Control) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date on which the West Bengal Jute Goods (Control) Ordinance, 1949, ceases to operate.

Short
title,
extent
and com-
mence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “jute goods” include all jute manufactures; and

(b) “Controller” means the Jute Controller appointed by the State Government under section 3.

Defini-
tions.

3. The State Government may, by notification in the *Official Gazette*, appoint any person to be the Jute Controller for the State.

Appoint-
ment of
Controller.

4. (1) Subject to the control of the State Government, the Controller, so far as it appears to him to be necessary or expedient for regulating, maintaining or increasing the production and supply of jute goods or for regulating the distribution thereof, may, by order in writing,—

(a) require any person holding stocks of jute goods to sell the whole or a specified part thereof at such prices and to such persons or to the Central Government or to the State Government or in such circumstances as may be specified in the order;

(b) require any person engaged in the production of jute goods to comply with such directions as may be given in the order as to the type, quality and quantity of jute goods to be produced or delivered by him from time to time.

Powers of
Controller
to control
pro-
duction,
supply
and distri-
bution of
jute
goods.

(2) Any person to whom an order is issued under sub-section (1) shall comply with it notwithstanding any contract to which he is a party.

(Sections 3, 4.)

Power of
State
Govern-
ment to
prohibit
contracts
relating
to jute
goods.

3. (1) The State Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to jute goods and may, by like notification, withdraw such prohibition:

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (2) in respect of any contract relating to jute goods made prior to the date on which the prohibition is withdrawn.

(2) When the making of contracts relating to jute goods is prohibited by a notification under sub-section (1),—

- (a) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market;
- (b) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (a); and
- (c) notwithstanding anything contained in any other law for the time being in force,—
 - (i) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (a) shall be void and unenforceable, and
 - (ii) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

Explanation.—In this sub-section,—

- (a) “last closing rate” means the rate fixed by the directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (1) prohibiting the making of contracts relating to jute goods; and
- (b) “notified market” means a jute goods market recognised by the State Government by notification in the *Official Gazette*.

Penalty.

4. Whoever, in contravention of the provisions of section 3,—

- (a) makes a contract relating to jute goods, or pays or receives, as the case may be, margin, or
- (b) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to jute goods or for the payment or receipt of margin,

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

V of 1950.]

(Section 5.)

**Act V of
1898.**

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class. **Special procedure.**

West Bengal Act VI of 1950

THE WEST BENGAL JUTE (CONTROL OF PRICES) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act to provide for the control of the price of jute.

WHEREAS it is expedient to provide for the control of the price of jute in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Jute (Control of Prices) Act, 1950.

Short
title,
extent
and com-
mence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date on which the West Bengal Jute (Control of Prices) Ordinance, 1949, ceases to operate.

1st
a. Ord.
[of
19.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) “jute” means the fibre of any plant belonging to any species of the *genus Corchorus* and commonly called *pat*, *kosta*, *nalua* or *bimalipatam* and includes also the fibre of the plant *hibiscus cannabinus*, commonly called *mesta*;

(b) “pucca bale” means a package containing any jute or jute cuttings (together with any waste product or moisture, if any) pressed by any hydraulic or any power-driven machinery and commonly known in the jute trade as a pucca bale;

(c) “raw jute” means jute which has not been subjected to any process of spinning or weaving and includes jute or jute cuttings, whether loose or packed in bales or drums and whether or not containing any waste product or moisture;

(d) “surplus raw jute” means raw jute in the possession or control of any person in excess of the quantity for which he holds for the time being a valid export license under the Imports and Exports (Control) Act, 1947;

(e) “waste product” means strippings, odd filaments or fragments, droppings, sweepings, or other waste product of jute and includes also articles commonly known in the jute trade as *hiji biji*.

3. (1) The State Government may by notification in the *Official Gazette* fix the maximum prices which may be charged for pucca bales or for surplus raw jute (not being pucca bales).

Maximum
prices.

VIII of
47.

Price—Indian, annas 2; English, 3d.

2 *The West Bengal Jute (Control of Prices) Act, 1950.*

[West Ben. Act

(Sections 4—9.)

(2) Different maximum prices may be fixed under sub-section (1) for pucca bales or surplus raw jute (not being pucca bales), according to the quality, variety or trade description of the jute or jute cuttings contained in such pucca bales or according to the quality, variety or trade description of such surplus raw jute.

Sale and purchase to be at prices not exceeding maximum.

4. No person shall sell or agree to sell or offer to sell and no person shall buy or agree to buy or offer to buy any pucca bales or any surplus raw jute (not being pucca bales) or any portion of any surplus raw jute at a price exceeding the maximum price fixed therefor under section 3.

Power of State Government to issue directions in respect of surplus raw jute.

5. The State Government may by order in writing direct any person having any surplus raw jute in his possession or control to sell such surplus raw jute or any portion thereof to any specified person or persons at a price not exceeding the maximum price fixed therefor under section 3 and the person so directed shall comply with the order.

Power to require information, etc.

6. The State Government or any officer authorised in this behalf by the State Government may, with a view to securing compliance with this Act,—

- (a) require any person to give any information in his possession with respect to any business in jute carried on by that or any other person;
- (b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person relating to any business in jute;
- (c) enter and search, or authorise any person to enter and search, any premises, and seize, or authorise any person to seize, any pucca bales or surplus raw jute in respect of which he has reason to believe that a contravention of this Act has been committed.

Evasion.

7. No person shall, with intent to evade any provision of this Act, refuse to give any information lawfully demanded from him under section 6, or conceal, destroy, mutilate or deface any books or document.

Penalties.

8. Whoever contravenes any of the provisions of this Act or of any order made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Offences by corporations, etc.

9. Where a person committing an offence punishable under this Act is a company or an association or a body of persons whether incorporated or not, every director, manager, secretary or other officer or person concerned in the manage-

(Section 10.)

committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

West Ben.
Ord. VII
of 1949.

10. Any notification issued or any order given or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Jute (Control of Prices) Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, given, done, taken or commenced in exercise of the powers conferred by or under this Act as if this Act had commenced on the 30th day of September, 1949.

Savings
and valid-
ation.

West Bengal Act VII of 1950

THE BENGAL LAND-REVENUE SALES (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act further to amend the Bengal Land-Revenue Sales Act, 1859, in its application to West Bengal.

WHEREAS it is expedient further to amend the Bengal Land-Revenue Sales Act, 1859, in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Land-Revenue Sales (West Bengal Amendment) Act, 1950. Short title and extent.
(2) It extends to the whole of West Bengal.
2. The Bengal Land-Revenue Sales Act, 1859 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided. Application of Act.
3. In the preamble to the said Act, the words beginning with “and whereas it is expedient to provide for the voluntary registration of dependent *taluks*” and ending with “held at rents sufficient for the security of the revenue;” shall be omitted. Amendment of the preamble of Act XI of 1859.
4. For section 37 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 37.
“37. (1) The purchaser of an entire estate in the permanently settled districts of West Bengal sold under this Act for the recovery of arrears due on account of the same, shall acquire the estate free from all encumbrances which may have been imposed after the time of settlement and shall be entitled to avoid and annul all tenures, holdings and leases with the following exceptions:—
(a) tenures and holdings which have been held from the time of the permanent settlement either free of rent or at a fixed rent or fixed rate of rent, and
(b) (i) tenures and holdings not included in exception (a) above made, and
(ii) other leases of land whether or not for purposes connected with agriculture or horticulture, existing at the date of issue of the notification for sale of the estate under this Act:

Rights of a purchaser of a permanently settled estate sold for its own arrears.

Price—Indian, annas 2; English, 3d.

(Sections 5—7.)

Provided that notwithstanding anything contained in any law for the time being in force or in any lease or contract no person shall be entitled to hold under such a purchaser as is aforesaid any tenure, holding or lease coming within exception (b) above made, free of rent or at a low rent or at a rent or rate of rent fixed in perpetuity or for any specified period unless the right so to hold has been expressly recognised under any law for the time being in force by any competent civil or revenue court; and the purchaser shall be entitled to proceed in the manner prescribed by any law for the time being in force for the determination of a fair and equitable rent of such tenure, holding or lease.

(2) For the purposes of this section—

(a) (i) 'tenure' includes a tenure as defined in the Bengal Tenancy Act, 1885, and

VIII of
1885.

(ii) 'holding' includes a holding as defined in the Bengal Tenancy Act, 1885;

(b) any rent which is lower than what has been entered in any record of rights prepared and finally published under Chapter X of the Bengal Tenancy Act, 1885, before the commencement of the Bengal Land-Revenue Sales (West Bengal Amendment) Act, 1950, shall be presumed to be a low rent;

(c) section 75A of the Bengal Tenancy Act, 1885, shall not have any application."

5. Sections 38 to 51 (both inclusive) of the said Act are hereby repealed.

6. For section 52 of the said Act, the following section shall be substituted, namely:—

"52. The provisions of section 37 of this Act shall Rights of purchaser *mutatis mutandis* apply in the case of an estate not permanently settled, sold for its own arrears. a purchaser of an estate in a district of West Bengal not permanently settled, sold under this Act for the recovery of arrears due on account of the same."

7. (1) (a) Every suit or proceeding for the ejectment of any person from any land in pursuance of section 37 or section 52 of the said Act, and

(b) every appeal or application for review or revision arising out of such suit or proceeding,

Certain
suits and
proceed-
ings to
abate and
certain
decrees
and orders
to be void.

pending at the date of commencement of this Act shall, if the suit, proceeding, appeal or application could not have been validly instituted, preferred or made had this Act been in operation at the date of the institution, the preferring or the making thereof, abate.

VII of 1950.

(Section 7.)

(2) Every decree passed or order made, before the date of commencement of this Act, for the ejectment of any person from any land in pursuance of section 37 or section 52 of the said Act shall, if the decree or order could not have been validly passed or made had this Act been in operation at the date of the passing or making thereof, be void :

Provided that nothing in this section shall affect any decree or order in execution whereof the possession of the land in respect of which the decree or order was passed or made, has already been delivered before the date of commencement of this Act.

(3) Whenever any suit, proceeding, appeal or application abates under sub-section (1) or any decree or order becomes void under sub-section (2), all fees paid under the Court-fees Act, 1870, shall be refunded to the parties by whom the same were respectively paid.

II of
370.

West Bengal Act VIII of 1950.

THE WEST BENGAL CRIMINAL LAW AMENDMENT (SPECIAL COURTS) AMENDMENT ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

*An Act to amend the West Bengal Criminal Law Amendment
(Special Courts) Act, 1949.*

West Ben.
Act XXI
of 1949.

WHEREAS it is expedient to amend the West Bengal Criminal Law Amendment (Special Courts) Act, 1949, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Criminal Law Amendment (Special Courts) Amendment Act, 1950.

Short
title and
commence-
ment.

West Ben.
Ord. IV
of 1949.

(2) It shall come into force on the date on which the West Bengal Criminal Law Amendment (Special Courts) Amendment Ordinance, 1949, ceases to operate.

2. In the Schedule to the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (hereinafter referred to as the said Act),—

Amend-
ment of
the
Schedule
to West
Bengal
Act XXI
of 1949.

(a) after item 1, the following item shall be inserted, namely:—

“1A. Offences punishable under sections 379 to 382 (both inclusive) of the Indian Penal Code.”;

(b) in item 2 after the figures “406” the words and figures “or section 407” shall be inserted;

(c) in item 3,—

(i) after the figures “411” the words and figures “or section 412 or section 413” shall be inserted; and

(ii) after the figures “406” the words and figures “or section 407” shall be inserted;

(d) in item 4 after the figures “417” the words and figures “or section 418 or section 419” shall be inserted; and

(e) in item 8 for the figures and word “1 to 7” the figures, letter and word “1, 1A, 2, 3, 4, 5, 6 and 7” shall be substituted.

3. Anything done or any action taken or any proceeding commenced in exercise of any power conferred by the said Act, as amended by the West Bengal Criminal Law Amendment (Special Courts) Amendment Ordinance, 1949, shall, on the said Ordinance ceasing to be in operation, be deemed to have been done, taken or commenced under the said Act as amended by this Act as if this Act had commenced on the 1st day of September, 1949.

Continu-
ance of
action
taken
under
West
Bengal
Ordin-
ance IV of
1949.

Price—Indian, annas 2; English, 3d.

WBG-50/51-152A-4,500

West Bengal Act IX of 1950

THE CALCUTTA SPECIAL TRIBUNAL (CHANGE OF COMPOSITION) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act to provide for a change in the composition of the First Special Tribunal at Calcutta.

WHEREAS it is expedient to provide for a change in the composition of the First Special Tribunal at Calcutta, with a view to expediting the disposal of cases pending before it;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Special Tribunal (Change of Composition) Act, 1950.

Short title and commencement.

West Ben.
Ord. I of
1950.

(2) It shall come into force on the date on which the Calcutta Special Tribunal (Change of Composition) Ordinance, 1950, ceases to operate.

2. In this Act,—

Definitions.

Ord. No.
XXIX of
1943.
Ben. Act
XII of
1946.

(a) “the principal Ordinance” means the Criminal Law Amendment Ordinance, 1943, as modified by the Bengal Special Tribunal (Continuance) Act, 1946;

(b) “the Tribunal” means the Special Tribunal sitting at Calcutta known as the First Special Tribunal at Calcutta.

3. (1) As from the commencement of this Act, the principal Ordinance shall apply in relation to the Tribunal and to the cases not disposed of by it before the commencement of this Act subject to the following modifications, namely:—

Change of composition of the Tribunal.

(a) in sub-section (1) of section 4, for the words “three members” the words “two members” shall be substituted;

(b) sub-section (1A) of section 6 shall be omitted; and

(c) for sub-section (4) of section 6, the following sub-section shall be substituted:—

“(4) In the event of a difference of opinion among the members of the Special Tribunal as to the finding, sentence or order to be passed in a case,—

(a) the President shall report to the State Government, and notwithstanding anything contained in sub-section (1) of section 4, the State Government shall appoint to the Special Tribunal a third member who shall be a person qualified under clause (2) of article 217 of the Constitution of India, for appointment as a Judge of a High Court;

2 *The Calcutta Special Tribunal (Change of Composition) Act, 1950.*

[West Ben. Act IX of 1950.]

(Section 4.)

- (b) the Special Tribunal as so constituted shall re-hear the prosecutor and the accused or his pleader (but not any witness who has given evidence), and deliver judgment in the case; and
- (c) in the event of any difference of opinion among the members of the Special Tribunal as so constituted, the opinion of the majority shall prevail."

(2) Notwithstanding the change in the composition of the Tribunal effected by sub-section (1), it shall not be necessary for the Tribunal to recommence any proceedings or to recall and re-hear any witness who has given evidence before such change, and it shall be lawful for the Tribunal to act on the evidence already recorded by or produced before it.

Savings
and
validation.

4. Anything done or any action taken in exercise of any power conferred by or under the Calcutta Special Tribunal (Change of Composition) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act had commenced on the 11th day of January, 1950.

West Ben.
Ord. I of
1950.



मयमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act X of 1950

**The West Bengal
Special Courts Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 4; English, 5d.

West Bengal Act X of 1950

THE WEST BENGAL SPECIAL COURTS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
Extraordinary, of the 15th March, 1950.]

An Act to provide for the speedier trial of certain offences.

WHEREAS it is expedient to provide for the speedier trial of certain offences;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Special Courts Act, 1950.

Short
title,
extent
and com-
mence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date on which the West Bengal Special Courts Ordinance, 1949 ceases to operate.

Ben.
111
19.

2. In this Act unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) “the Code” means the Code of Criminal Procedure, 1898;

(b) “Special Court” means a Special Court of criminal jurisdiction constituted under section 3.

3. The State Government may, by notification in the *Official Gazette*, constitute Special Courts of criminal jurisdiction for such areas and to sit at such places as may be specified in the notification and more than one Special Court may be constituted for the same area or to sit at the same place:

Special
Courts.

Provided that a Special Court may, if it is satisfied that it will tend to the general convenience of parties or witnesses in any particular case, sit for the trial of that case at a place other than the place so specified.

4. The State Government may appoint as a Special Judge to preside over a Special Court any person who—

Special
Judge.

(a) is or has been, or is qualified under clause (2) of article 217 of the Constitution of India for appointment as, a Judge of a High Court, or

(b) has, for a period of not less than three years, been a Sessions Judge or an Additional Sessions Judge.

*(Sections 5—7.)***[West Ben. Act****Matters
to be
tried by
Special
Courts.**

5. (1) A Special Court shall try such offences or classes of offences or cases or classes of cases, as the State Government may, by general or special order in writing, direct.

(2) No direction shall be made under sub-section (1) for the trial of an offence for which an accused person was being tried at the commencement of this Act before any Court but, save as aforesaid, such direction may be made in respect of an offence, whether such offence was committed before or after the commencement of this Act.

**Procedure
of Special
Courts.**

6. (1) A Special Court may take cognizance of offences without the accused being committed to it for trial, and in trying accused persons shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates:

Provided that for the purpose of sub-section (1) of section 356 of the Code, English shall be deemed to be the language of a Special Court and where under the provisions of that sub-section the evidence of witnesses is taken down in the presence and hearing and under the personal direction and superintendence of a Special Judge appointed under section 4 and not by such Special Judge himself, the provisions of sub-section (3) of section 356 shall not apply.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Act, shall apply to the proceedings of a Special Court; and for the purposes of the said provisions a Special Court shall be deemed to be a Court of Session.

(3) A Special Court trying under this Act an offence may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof. Any pardon so tendered shall, for the purposes of sections 339 and 339A of the Code, be deemed to have been tendered under section 338 of the Code.

**Transfer
of cases
from one
Special
Court to
another.**

7. (1) The State Government may at any stage of the proceedings before a Special Court transfer a case to another Special Court.

(2) Notwithstanding anything contained in the Code when a case is transferred under sub-section (1), the Special Court to which the case is transferred shall not be bound to resummon or re-hear the witnesses or any of them unless it is satisfied that such a course is necessary in the interests of justice.

(Sections 8—12.)

X of 1950.]

8. A Special Court may for reasons to be recorded in writing refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material.

Power to refuse to summon witness whose evidence is not material.

9. (1) A Special Court shall not be bound to adjourn a trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

Adjournments.

(2) A Special Court shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner, if, in its opinion, such adjournment would cause unreasonable delay.

10. A Special Court may, if it thinks fit, order at any stage of a trial that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

Power to exclude persons or public from precincts of Court.

11. (1) Where any accused, in a trial before a Special Court, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

Power of Special Courts to deal with refractory accused.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Special Court shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

12. A Special Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted and where the Special Court passes a sentence of death the provisions of Chapter XXVII of the Code shall apply.

Power of Special Courts to pass sentences.

* (Sections 13--17.)

[West Ben. Act

Power to
convict
for offence
proved.

13. If in any trial by a Special Court under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence directed under section 5 to be tried by the Special Court, the Special Court may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

Special
rule
about
fine.

14. (1) Notwithstanding anything contained in section 386 of the Code, where any offender has been sentenced by a Special Court to pay a fine, the Court may recover the fine by the issue of a warrant for the levy of the amount by attachment and sale of any property, movable or immovable, of the offender.

(2) Notwithstanding anything contained in section 545 of the Code, a Special Court may, when imposing a fine on any person convicted by the Court, order the whole or any part of the fine recovered to be applied- -

(a) in the payment to any person affected by the offence of compensation for any loss, injury or annoyance caused by the offence, or

(b) in the payment of a reward to any person who has given information leading to the detection of the offence or to the conviction of the accused.

Appeals.

15. (1) Any person convicted on a trial held by a Special Court may appeal to the High Court.

(2) The State Government may direct a Public Prosecutor to present an appeal to the High Court from an order of acquittal passed by a Special Court.

(3) An appeal under this section may lie on a matter of fact as well as on a matter of law.

(4) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the sentence and for an appeal under sub-section (2) shall be thirty days from the date of the order of acquittal.

Exclusion
of inter-
ference of
other
courts.

16. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Act, be no appeal from any order or sentence of a Special Court and, save as aforesaid and subject to the Constitution of India, no Court shall have authority to revise such order or sentence, or to transfer any case from a Special Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Court or in respect of any direction made under this Act.

Applica-
tion of
ordinary
law.

17. The provisions of the Code or of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from or consequent upon a trial by a Special Court constituted under this Act.

(Sections 18, 19.) •

X of 1950.]

18. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or on account of or in respect of any sentence passed or any act ordered or done by him in good faith whether in exercise of any jurisdiction or power conferred or purporting to have been conferred on him by or under this Act or in carrying out any sentence passed by a Special Court in exercise of any jurisdiction as aforesaid.

Indemnity.

19. Any order, direction or appointment made, any notification issued, any Special Court constituted, any proceeding commenced, any action taken or anything whatsoever done in exercise of any power conferred by or under the West Bengal Special Courts Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, constituted, commenced, taken or done in exercise of the powers conferred by or under this Act as if this Act had commenced on the 17th day of August, 1949.

Continuance of action taken under West Bengal Ordinance III of 1949.

West Ben.
Ord. III
of 1949.

West Bengal Act XI of 1950

THE BENGAL MEDICAL (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

An Act further to amend the Bengal Medical Act, 1914 and to provide for certain other matters connected therewith.

10 & 11,
Geo. VI,
c. 30.
Ben. Act
VI of 1914.

WHEREAS on account of the Province of Bengal having ceased to exist and the constitution in lieu thereof of the two new Provinces of West Bengal and East Bengal under the Indian Independence Act, 1947, it is expedient to amend the Bengal Medical Act, 1914 and to extend the term of office of the members of the West Bengal Council of Medical Registration;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Medical (West Bengal Amendment) Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

West Ben.
Ord. III of
1950.
West Ben.
Ord. VI of
1949.

(3) This section shall come into force at once; the rest of the Act shall come into force on the date on which the Bengal Medical (West Bengal Amendment) Ordinance, 1950 and the West Bengal Council of Medical Registration (Extension of Term of Office of Members) Ordinance, 1949 cease to operate.

2. To section 4 of the Bengal Medical Act, 1914 (hereinafter referred to as the said Act), after the existing proviso the following proviso shall be added, namely:—

Amend-
ment of
section 4
of Bengal
Act VI of
1914.

“Provided further that no registered practitioner shall be entitled to vote or stand as a candidate for election at an election of members to be elected under clauses (f), (g) or (h) unless he is—

(i) a citizen of India; and

(ii) either resides or carries on his profession or is employed in West Bengal”.

3. In section 6 of the said Act,—

Amend-
ment of
section 6.

(i) at the end of clause (b) the word “or” shall be omitted;

(ii) to clause (c) the word “or” shall be added; and

(iii) after clause (c) the following clause shall be added, namely:—

“(d) is not a citizen of India either residing or carrying on his profession or employed in West Bengal”.

2 *The Bengal Medical (West Bengal Amendment)
Act, 1950.*

(Sections 4, 5.)

[West Ben. Act XI of 1950.]

**Extension
of term.**

4. Notwithstanding anything contained in the said Act or in any other law, the term of office of the members of the West Bengal Council of Medical Registration holding office immediately before the coming into force of this section shall extend up to the date on which the West Bengal Council of Medical Registration first constituted after sections 2 and 3 come into force, enters upon office.

Saving.

5. Anything done and any action taken under the Bengal Medical (West Bengal Amendment) Ordinance, 1950, shall be deemed to have been done or taken as if this Act were in force when such thing was done or such action was taken.

West Bengal Act XII of 1950

THE WEST BENGAL MATERNITY BENEFIT (TEA ESTATES) AMENDMENT ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 30th March, 1950.]

An Act to amend the West Bengal Maternity Benefit (Tea Estates) Act, 1948.

West Ben.
Act
XXXIII
of 1948.

WHEREAS it is expedient to amend the West Bengal Maternity Benefit (Tea Estates) Act, 1948, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Maternity Benefit (Tea Estates) Amendment Act, 1950. Short title.

2. In clause (b) of section 11 of the West Bengal Maternity Benefit (Tea Estates) Act, 1948, for the words “four weeks” the words “six weeks” shall be substituted. Amend-
ment of
section 11
of West
Bengal
Act
XXXIII
of 1948.

Price—Indian, annas 2; English, 3d.

West Bengal Act XIII. of 1950

THE WEST BENGAL MONEY-LENDERS (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 30th March, 1950.]

*An Act further to amend the Bengal Money-lenders Act,
1940.*

Ben. Act
X of 1940. WHEREAS it is expedient further to amend the Bengal
Money-lenders Act, 1940, for the purpose and in the manner
hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Money- Short title.
lenders (Amendment) Act, 1950.

2. In item (i) of sub-clause (d) of clause (12) of Amend-
section 2 of the Bengal Money-lenders Act, 1940, for the ment of
words and figures "which was a Scheduled bank on the 1st section 2 of
day of January, 1939" the words "which is a Scheduled Bengal Act
bank" shall be substituted. X of 1940.

Price—Indian, annas 2; English, 3d.

West Bengal Act XIV of 1950

THE 24-PARGANAS DISTRICT BOARD DISSOLUTION (TEMPORARY PROVISIONS) AMENDMENT ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was ~~first~~ published in the *Calcutta Gazette*,
of the 30th March, 1950.]

*An Act to amend the 24-Parganas District Board Dissolution
(Temporary Provisions) Act, 1948.*

West Ben.
Act
XXIII of
1948.

WHEREAS it is expedient to amend the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the 24-Parganas District Board Dissolution (Temporary Provisions) Amendment Act, 1950. Short title.

2. In sub-section (3) of section 1 of the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948, for the words and figures "9th day of May, 1950", the words and figures "15th day of December, 1950" shall be substituted. Amend-
ment of
section 1
of West
Bengal
Act
XXIII
of 1948.

Price—Indian, annas 2; English, 3d.

West Bengal Act XV of 1950

THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) AMEND- MENT ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
of the 30th March, 1950.]

*An Act further to amend the West Bengal Premises
Requisition and Control (Temporary Provisions) Act,
1947.*

West Ben.
Act V of
1947.

WHEREAS it is expedient further to amend the West
Bengal Premises Requisition and Control (Temporary Provi-
sions) Act, 1947, for the purpose and in the manner herein-
after appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Premises **Short title.**
Requisition and Control (Temporary Provisions) Amend-
ment Act, 1950.

2. For sub-section (4) of section 1 of the West Bengal **Amend-**
Premises Requisition and Control (Temporary Provisions) **ment of**
Act, 1947, the following sub-section shall be substituted, **section 1 of**
namely:— **West**
Bengal
Act V of
1947.

“(4) It shall remain in force up to the 31st day of
March, 1953.”

Price—Indian, annas 2; English, 3d

West Bengal Act XVI of 1950

THE SOCIETIES REGISTRATION (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 30th March, 1950.]

An Act to amend the Societies Registration Act, 1860 in its application to West Bengal.

XXI
of 1860.

WHEREAS it is expedient to amend the Societies Registration Act, 1860 in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (West Bengal Amendment) Act, 1950. Short title.

2. The Societies Registration Act, 1860 (hereinafter referred to as the said Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided. Application of the Act.

3. In section 12 of the said Act, after the words "other society" the words "or whenever the governing body of any society registered under this Act decides to change the name of the society" shall be inserted. Amendment of section 12 of Act XXI of 1860.

4. After section 12 of the said Act, the following new sections shall be inserted, namely:— Insertion of new sections 12A, 12B and 12C in Act XXI of 1860.

"12A. (1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Joint-Stock Companies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

Registration of change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case. On the issue of such a certificate the change of name shall be complete.

2 The Societies Registration (West Bengal Amendment) Act, 1950.

[West Ben. Act XVI of 1950.]

(Sections 12B. 12C.)

- (3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

12B. The change in the name of a society shall not affect any rights or obligations of either the members who were admitted prior to the change or of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

Effect of change of name.

12C. If any society registered under this Act has, before the date of the coming into force of the Societies Registration (West Bengal Amendment) Act, 1950, intimated to the Registrar of Joint-Stock Companies the change of its name and if the Registrar has recorded such change, the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of a fee as provided for in sub-section (3) of section 12A, register the change of such name and issue a certificate to the society under sub-section (2) of the said section 12A. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recorded by the Registrar, notwithstanding the fact that the society had not followed the procedure prescribed in sections 12 and 12A."

Registration of change of names effected in certain cases.



सत्यमेव जयते

Government of West Bengal
Legislative Department

West Bengal Act XVII of 1950

**The West Bengal Premises
Rent Control (Temporary
Provisions) Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 6 ; English, 8d.

West Bengal Act XVII of 1950

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) ACT, 1950.

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*The West Bengal Premises Rent Control
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West Bengal Act XVII of 1950

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, of the 30th March, 1950.]

An Act to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal.

WHEREAS it is expedient to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950.

Short
title,
commence-
ment, ex-
tent and
duration.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

(3) It extends to the whole of Calcutta and to all areas which have been or may hereafter be constituted municipalities under the provisions of the Bengal Municipal Act, 1932:

Ben. Act
XV of
1932.

Provided that the State Government may, by notification, extend this Act or any specified part thereof to any other area specified in the notification.

(4) It shall remain in force up to the 31st day of March, 1953:

Provided that the expiration of this Act shall not render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923;

(2) "Controller" means a Controller appointed under sub-section (1) of section 28 and includes an Additional Controller and a Deputy Controller appointed under sub-section (2) of that section;

Ben. Act
III of
1923.

*The West Bengal Premises Rent Control
(Temporary Provisions) Act, 1950.*

[West Ben. Act

(Chapter 1.—Preliminary.—Section 2.)

- (3) "hotel or lodging house" means an establishment where lodging with or without board or other service is provided for a monetary consideration;
- (4) "landlord" means any person who for the time being is receiving the rent of any premises from the tenant thereof and includes any person who is entitled to bring suit for such rent;
- (5) "manager of a hotel" includes any person in charge of the management of a hotel;
- (6) "notification" means a notification published in the *Official Gazette*;
- (7) "owner of a lodging house" means any person who for the time being is receiving any monetary consideration from any person on account of board or lodging, or other service in the lodging house, and includes any person who is entitled to bring suit for such monetary consideration;
- (8) "premises" means any building or part of a building or any hut or part of a hut let separately and includes—
 - (a) the gardens, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut,
 - (b) any furniture supplied or any fittings affixed by the landlord for use of the tenant in such building or part of a building or hut or part of a hut,
 but does not include a room or part of a room or other accommodation in a hotel or lodging house or a stall in a municipal market as defined in clause (44) of section 3 of the Calcutta Municipal Act, 1923, or in any other market maintained by or belonging to a local authority or a stall let at variable rents at different seasons of the year for the retail sale of goods in any other market as defined in clause (39) of section 3 of the Calcutta Municipal Act, 1923, or clause (30) of section 3 of the Bengal Municipal Act, 1932;
- (9) "prescribed" means prescribed by rules made under this Act;
- (10) "standard rent" in relation to any premises means—
 - (a) the standard rent determined in accordance with the provisions of Schedule A,
 - (b) where the rent has been fixed under section 9, the rent so fixed; or at which it would have been fixed if application were made under the said section;
- (11) "tenant" means any person by whom rent is, or but for a special contract would be, payable for any premises, and includes any person who is liable to be sued by the landlord for rent.

Ben. Act
III of 1923.

Ben. Act
XV of
1932.

XVII of 1950.]

(Chapter II.—Provisions regarding rent and salami.—
Sections 3—6.)

CHAPTER II.

PROVISIONS REGARDING RENT AND *salami*.

3. (1) Subject to the provisions of this Act, any amount in excess of the standard rent of any premises shall be irrecoverable notwithstanding any agreement to the contrary. Amount of excess of standard rent to be irrecoverable.

(2) For the purposes of sub-section (1), the rent shall be deemed to have accrued from day to day :

Provided that nothing in this section or Act shall be deemed to affect the terms as to rent of a lease entered into before the first day of December, 1941, the period of which has not expired.

4. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises,— Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.

(a) claim, receive, or invite offers or ask for the payment of, any premium, *salami*, fine or any other like imposition in addition to the rent, or

(b) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

5. Nothing in this Act shall apply to a lease of any premises entered into after the 1st day of December, 1941, for a period of not less than fifteen years which is not terminable within the said period at the option of the landlord : Exception in the case of long leases.

Provided that the provisions of this section shall not in any way affect any right acquired or accrued under section 5 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948, or require the landlord to refund any premium, or *salami* or other like sum in addition to the rent, received by him in accordance with the provisions of that section.

**West Ben.
Act
XXXVII
of 1948.**

6. No person shall make the purchase or hiring of any furniture in any premises a condition of the grant, renewal or continuance of a tenancy of such premises and no person shall sell or hire the furniture in any premises of which he is the landlord to the tenant of such premises, except under a permit in the prescribed form from the Controller and such permit shall not be given unless the price or hire is reasonable. Restriction on the sale of furniture in any premises let to a tenant.

*The West Bengal Premises Rent Control
(Temporary Provisions) Act, 1950.*

[West Ben. Act

(Chapter II.—Provisions regarding rent and salami.—
Sections 7—9.)

Refund of
rent, pre-
mium,
salami,
etc., not
recoverable
under the
Act.

7. (1) Where any sum has been paid or deposited on or after the date of the commencement of this Act in respect of the occupation of any premises,—

- (a) on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, or
- (b) as premium, *salami*, fine or other like imposition in addition to the rent or as rent in advance, the claiming or the receiving of which is prohibited under this Act, or
- (c) on account of price or hire of any furniture in such premises without the permit of the Controller under section 6,

the Controller may, on application made to him in this behalf at any time within a period of six months from the date of such payment or deposit by the tenant by whom such payment or deposit was made, order the landlord by whom such payment was received or to whose credit such deposit was made, to refund such sum to such tenant or, at the option of such tenant, order the adjustment of any sum so paid or deposited in any other manner.

(2) An order of refund passed by the Controller under sub-section (1) shall be executed by the Court having jurisdiction to entertain a suit for the recovery of arrears of rent in respect of the premises in relation to which the sum ordered to be refunded was paid or deposited, as if such order of refund were a decree of that Court.

Fixation
of rent of
furnished
premises.

8. Where any premises are let at a rent which includes payment in respect of the use of furniture, the Controller may, on application of the tenant made within six months of the beginning of the tenancy, reduce the portion of the rent which according to the Controller was added in respect of the use of the furniture, to a fair and reasonable amount if he finds that such portion of the rent was unduly high; and the resultant rent of the premises shall be stated by the Controller and shall be deemed to be standard rent fixed under section 9:

Provided that nothing in this section shall affect the power of the Controller to fix standard rent under other provisions of section 9.

Cases in
which
standard
rent shall
be fixed
by the
Controller.

9. (1) In any of the following cases, the Controller shall on application by any landlord or tenant, fix the standard rent as set forth hereunder:—

- (a) Where the provisions of Schedule A apply and there is no cause for the alteration of the rate of standard rent as determined according to the schedule for any of the reasons mentioned in the following clauses, in accordance with the provisions of Schedule A.
- (b) Where during the currency of a standard rent payable for any premises there has been an increase in the municipal taxes, rates or cesses in respect

XVII of 1950.]

(Chapter II.—Provisions regarding rent and salami.—
Section 9.)

of the premises, by adding to it the amount of such increase as is payable by the landlord by agreement with the tenant over and above what is payable by the landlord himself under the local Municipal Law.

- (c) Where during the currency of a standard rent payable for any premises the landlord has made some addition, alteration, or improvement in the premises, not being tenantable repairs necessary or usual for such premises, by adding to such standard rent payable in one year ten *per centum* of the amount reasonably spent by the landlord in making the said addition, alteration or improvement, the added amount being divided amongst instalments for payment of rent of the year as would be just and convenient:

Provided that when the premises are in occupation of a tenant at the time of the said addition, alteration or improvement the additional rent shall not be recoverable from such tenant, unless such addition, alteration or improvement has been made at the written request of the tenant.

- (d) Where during the currency of a standard rent the landlord has supplied any furniture for use of the tenant in the premises, by adding to such standard rent payable in one year ten *per centum* of the price of the said furniture as on the day they are supplied, the added amount being divided amongst instalments for payment of rent of the year as would be just and convenient.

- (e) Excepting the case covered by clause (f) following where the provisions of Schedule A for determining the standard rent do not apply, either because the premises or the whole of the premises were not let on the first day of December, 1941, or for some other reasons, or where any premises have been let rent-free or at a nominal rent, or for some consideration other than money rent, or in addition to money rent, by fixing the standard rent at a rate in accordance with Schedule A, taking the rent which would have been reasonably payable for the premises if let on the first day of December, 1941, as "basic rent" under the said Schedule.

- (f) Where any premises have been wholly or are substantially constructed after the 31st day of December, 1949, by fixing the standard rent payable for one year at a rate not less than four *per centum* and not more than six *per centum* of the reasonable costs of construction added to the reasonable price of the land included in the premises as on the date of the commencement of such construction taking into account

*(Chapter II.—Provisions regarding rent and salami.—
Section 10.)*

the prevailing rate of rent in the locality for similar accommodation with similar advantages and amenities and the comparative advantages or disadvantages of accommodation in the premises :

Provided that where the premises whose standard rent is to be fixed form a part of the construction the standard rent shall be fixed at a rate which is fairly proportionate to the total standard rent of the entire construction.

(g) Where no provisions of this Act for fixing standard rent apply to any premises, by determining the standard rent at a rate which is fair and reasonable.

(2) If in fixing the standard rent the Controller is required by this Act to determine the rent at which the premises were let on the first day of December, 1941, but it is not reasonably practicable to obtain sufficient evidence for determining the said rent, he shall determine approximately the rent at which in reasonable probability the premises were let on the date, and the rent so determined shall be deemed to be the rent at which the premises were let on the first day of December, 1941; and for the said purpose he may have regard to the standard rents of similar premises in the neighbourhood, and may make presumptions either against the landlord or the tenant who, in his opinion, is in a position to produce relevant evidence but is refraining from doing it.

Date on
which
standard
rent fixed
by the
Controller
takes
effect.

10. (1) When in fixing the standard rent under section 9 the rent which was being paid at the time of the application is—

- (i) decreased by the Controller, the standard rent fixed shall be payable from the month next after the date of application, unless for reasons to be recorded by the Controller he decides that such rent should operate from any earlier or later date;
- (ii) increased by the Controller, the standard rent fixed shall be payable from the time as hereunder provided, viz. :—
 - (a) if increased under clause (a) of sub-section (1) of section 9, from the month next after the date of the application;
 - (b) if increased under clause (b) of the said sub-section, from the month from which the increase in the municipal rates, taxes or cesses came into force;
 - (c) if increased under clause (c) of the said sub-section, from the month next after that in which the addition, alteration or improvement was completed;
 - (d) if increased under clause (d) of the said sub-section, from the month next after that in which the furniture was supplied.

XVII of 1950.]

*(Chapter II.—Provisions regarding rent and salami.—
Chapter III.—Suits and proceedings for eviction.—
Sections 11, 12.)*

(2) Where the standard rent is fixed,—

- (a) under clause (e) of the said sub-section, it shall be payable from the month next after the date of the application;
- (b) under clause (f) of the said sub-section, it shall be payable from the month next after the date of the application, unless for reasons to be recorded by the Controller he decides that such rate of rent should operate from any earlier or later date;
- (c) under clause (g) of the said sub-section, it shall be payable from the month next after the date of the application, unless for reasons to be recorded by the Controller he decides that such rate of rent should operate from any earlier or later date.

(3) In fixing the standard rent the Controller shall, in every instance, specify in his order the time from which the rent so fixed shall become payable.

11. Nothing in the provisions of this Act, including Schedule A, shall entitle the landlord to claim rent from the tenant at a rate different from that at which it is being paid at the time, except by agreement with the tenant, valid in law including this Act, or unless a different rate is fixed under section 9.

Landlord not to claim rent at a rate different from that at which it is being paid except in certain cases.

CHAPTER III.

SUITS AND PROCEEDINGS FOR EVICTION.

12. (1) Notwithstanding anything to the contrary in any other Act or law, no order or decree for the recovery of possession of any premises shall be made by any court in favour of the landlord against a tenant, including a tenant whose lease has expired:

Protection of a tenant against eviction.

Provided that nothing in the sub-section shall apply to any suit for decree for such recovery of possession,—

- (a) against a tenant who has transferred his tenancy right in whole or in part with possession otherwise than by sub-lease;
- (b) against such transferee;
- (c) against a tenant who has sub-let the whole or a major portion of the premises for more than seven consecutive months:

Provided that if a tenant who has sub-let major portion of the premises agree to possess as a tenant the portion of the premises not sub-let on payment of rent fixed by the Court, the Court shall pass a decree for ejectment from only a portion of the premises sub-let and fix proportionately fair rent for the portion kept in possession of such tenant,

*(Chapter III.—Suits and proceedings for eviction.—
Section 12.)*

which portion shall thenceforth constitute premises under clause (8) of section 2 and the rent so fixed shall be deemed standard rent fixed under section 9, and the rights and obligations of the sub-tenants of the portion from which the tenant is ejected shall be the same as of sub-tenants under the provision of section 13;

- (d) where the tenant has done any act contrary to the provisions of clause (m), clause (o) or clause (p) of section 108 of the Transfer of Property Act, IV of 1882;
- (e) where the tenant has been using the premises or any part, or allowing the premises or any part to be used for immoral or illegal purposes;
- (f) where the condition of the premises has materially deteriorated owing to acts of waste by, or negligence or default of, the tenant, or of any person residing with the tenant, or for whose behaviour the tenant is responsible;
- (g) where the tenant has been guilty of conduct which is a nuisance or annoyance to occupiers of adjoining or neighbouring premises, including the landlord;
- (h) where the premises are reasonably required by the landlord either for purposes of building or re-building, or for his own occupation or for the occupation of any person for whose benefit the premises are held: provided that all sub-tenants in the premises are made parties to the suit, and allowed opportunity of contesting claim to decree for ejectionment.

Explanation.—The Court in determining the reasonableness of requirement for purposes of building or re-building shall have regard to the comparative public benefit or disadvantage by extending or diminishing accommodation, and in determining the reasonableness of requirement for occupation shall have regard to the comparative advantage or disadvantage of the landlord or the person for whose benefit the premises are held and of the tenant:

Provided that where the Court thinks that the reasonable requirement of such occupation may be substantially satisfied by evicting the tenant from a part only of the premises and allowing the tenant to continue occupation of the rest and the tenant agrees to such occupation, the Court shall pass a decree accordingly, and fix a proportionately fair rent for the portion in occupation of the tenant, which portion shall henceforth constitute the premises within clause (8) of section 2, and the rent fixed shall be deemed to be the standard rent fixed under section 9;

XVII of 1950.]

(Chapter III.—Suits and proceedings for eviction.—
Section 13.)

- (i) subject to the provisions of section 14, where the amount of two months' rent legally payable by the tenant and due from him is in arrears by not having been paid within the time fixed by contract, or in the absence of such contract by the fifteenth day of the month next following that for which the rent is payable or by not having been validly deposited in accordance with section 19.

XV of
1882.

Explanation.—In the proviso to sub-section (1) the term "suit" does not include proceeding under Chapter VII of the Presidency Small Cause Courts Act, 1882.

(2) Nothing in this section or in this Act shall be deemed to entitle the landlord to get a decree for the recovery of possession of any premises against the tenant, where any contract or law debars such relief, or except in accordance with the provisions of law for getting such relief; and such contract shall not be deemed to be inoperative by reason of interference by this Act with other terms of the lease.

13. (1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, if a tenant inferior to the tenant of the first degree sub-lets in whole or in part the premises let to him except with the consent of the landlord and of the tenant of a superior degree above him, such sub-lease shall not be binding on such non-consenting landlord, or on such non-consenting tenant.

Sub-lease
not to be
binding in
certain
cases.

Explanation.—In this sub-section—

- (a) "a tenant of the first degree" means a tenant who does not hold under any other tenant;
(b) "a tenant inferior to the tenant of the first degree" means a tenant holding immediately or mediately under a tenant of the first degree;
(c) "landlord" means the landlord of a tenant of the first degree.

(2) Where any premises or any part thereof have been or has been sub-let by "a tenant of the first degree" or by "a tenant inferior to a tenant of the first degree", as defined in explanation to sub-section (1), and the sub-lease is binding on the landlord of such last mentioned tenant, if the tenancy of such tenant in either case is lawfully determined otherwise than by virtue of a decree in a suit obtained by the landlord by reason of any of the grounds specified in clause (h) of the proviso to sub-section (1) of section 12, the sub-lessee shall be deemed to be a tenant in respect of such premises or part, as the case may be, holding directly under the landlord of the tenant whose tenancy has been determined, on terms and conditions on which the sub-lessee would have held under the tenant if the tenancy of the latter had not been so determined:

Provided that it shall be competent for the landlord, or any person deemed under this section to be a tenant holding

(Chapter III.—Suits and proceedings for eviction.—
Section 14.)

directly under the landlord, to make an application to the Controller for fixing rent of the premises or part thereof in respect of which such person is so deemed to be a tenant and until the rent is fixed by the Controller on such application such person shall be liable to pay to the landlord the same rent as was payable by him in respect of the premises or part thereof, as the case may be, to the tenant before the tenancy of the tenant therein had been determined. The Controller in fixing the rent shall not determine such rent at the rate which is beyond the limit fixed by paragraph (4) of Schedule A. The rent so fixed shall be deemed to be the standard rent fixed under section 9.

When a tenant can get the benefit of protection against eviction.

14. (1) If in a suit for recovery of possession of any premises from the tenant the landlord would not get a decree for possession but for clause (i) of the proviso to sub-section (1) of section 12, the Court shall determine the amount of rent legally payable by the tenant and which is in arrears taking into consideration any order made under sub-section (4) and effect thereof up to the date of the order mentioned hereafter, as also the amount of interest on such arrears of rent calculated at the rate of nine and three-eighths *per centum per annum* from the day when the rents became arrears up to such date, together with the amount of such cost of the suit as is fairly allowable to the plaintiff-landlord, and shall make an order on the tenant for paying the aggregate of the amounts (specifying in the order such aggregate sum) on or before a date fixed in the order.

(2) Such date fixed for payment shall be the fifteenth day from the date of the order, excluding the day of the order.

(3) If within the time fixed in the order under sub-section (1), the tenant deposits in the court the sum specified in the said order, the suit, so far as it is a suit for recovery of possession of the premises, shall be dismissed by the court. In default of such payment the court shall proceed with the hearing of the suit:

Provided that the tenant shall not be entitled to the benefit of protection against eviction under this section if he makes default in payment of the rent referred to in clause (i) of the proviso to sub-section (1) of section 12 on three occasions within a period of eighteen months.

(4) If the tenant contests the suit, as regards claim for ejectment, the plaintiff-landlord may make an application at any stage of the suit for order on the tenant-defendant to deposit month by month rent at a rate at which it was last paid and also the arrears of rent, if any, and the court after giving an opportunity to the parties to be heard may make an order for deposit of rent at such rate month by month and the arrears of rent, if any, and on failure of the tenant to deposit the arrears of rent within fifteen days of the date of the order or the rent at such rate for any month by the fifteenth day of the next following month, the court shall order the defence against ejectment to be struck out and the tenant to be placed

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*(Chapter III.—Suits and proceedings for eviction.—
Sections 15—17.)*

in the same position as if he had not defended the claim to ejectment. The landlord may also apply for permission to withdraw the deposited rent without prejudice to his right to claim decree for ejectment and the court may permit him to do so.

(5) The power given under sub-section (4) may be exercised by courts of appeal with necessary adaptation.

15. (1) Where the landlord recovers possession of any premises from the tenant by virtue of a decree secured because of clause (h) of the proviso to sub-section (1) of section 12, and the building or re-building of the premises is not commenced within six months, or the premises are not occupied by the landlord or by the person for whose benefit the premises are held within two months of the date of vacation of the premises by such tenant, or the premises, having been so occupied, are re-let within six months of the date of such occupation to any person other than such tenant without the permission of the Controller obtained in the prescribed manner, the Controller may, on the application of such tenant made within nine months of his vacating the premises, and giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of the premises or to pay him such compensation as may be fixed by the Controller or both:

When a tenant is entitled to restoration of possession and compensation.

Provided that the Controller may, on the application of the landlord, extend the period within which the building or re-building of the premises is to be commenced, by two months at a time and twelve months in all.

(2) Where the landlord obtains a decree for ejectment because of clause (h) of the proviso to sub-section (1) of section 12 and one of the principal reasons for passing such a decree is the expected public benefit of the proposed project of building or re-building by extending accommodation, but the actual building or re-building deviates materially from the said project and fails substantially to provide the expected extension of accommodation, the Controller, may, on the application of the previous tenant, and after giving the landlord opportunity of being heard, levy a fine on the landlord, which may extend to rupees five thousand, and may, in addition, order the landlord to pay such compensation to the previous tenant as may be fixed by the Controller.

16. Notwithstanding anything contained in any other law a suit by a landlord against a tenant in which recovery of possession of any premises to which this Act applies is claimed shall lie to the courts, as set out in Schedule B, and no other court shall be competent to entertain or try such suit.

Special provisions regarding jurisdiction of Courts for trial of suits for possession.

17. (1) Such portion of rent as exceeds the standard rent determined according to the provisions of this Act shall be irrecoverable from the month of the tenancy next after the month in which this Act comes into force, whether the

Refixation of standard rent.

said rent was fixed by agreement, or by proceeding under the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

West Ben.
Act
XXXVIII
of 1948.

(2) Where standard rent has been fixed under the provisions of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948, whether by the Controller or on appeal from his order, the Controller shall, on application made to him, re-fix the standard rent according to the provisions as laid down by this Act.

(3) If at the date when this Act comes into force proceeding for fixing standard rent is pending before the Controller or in appeal, the Controller or the appellate officer shall fix the standard rent in accordance with the provisions as laid down by this Act.

Power of
Court to
rescind or
vary
decrees
and
orders or
to give
relief in
pending
suits in
certain
cases.

18. (1) Where any decree for recovery of possession of any premises has been made on the ground of default in payment of arrears of rent under the provisions of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948, but the possession of such premises has not been recovered from the tenant, the tenant may apply to the trial court within sixty days of the coming into force of this Act for vacating the decree for ejectment against him and within such period no order for delivery of possession shall be made by any court, nor if an application is made by the tenant under this sub-section till the application has been dismissed under sub-section (4).

(2) The Court shall, as early as may be, serve notice of the application on the landlord and after hearing the parties if the landlord appears, determine the amount of rent which would have been payable by the tenant and would be in arrears if the tenancy continued unbroken up to and including the month in which the order stated hereafter is to be made, and order the tenant to pay the said amount as also the amount of interest on such arrears of rent calculated at the rate of nine and three-eighths *per centum per annum* together with such costs, if any, as may be adjudged to the landlord, within such time, not later than forty days from the date of the order, as the court may fix.

(3) If the tenant pays the said sum within the time fixed, the court shall vacate the decree for ejectment with all consequential orders, and the tenancy shall continue as if it never terminated.

(4) On failure of the tenant to make the payment within time his application shall be dismissed with such costs as the court may award to the landlord.

(5) If at the date when this Act comes into force, a suit for ejectment of a tenant is pending whether in trial court or in court of first or second appeal in which no decree for ejectment would be passed except on the ground of default in payment of arrears of rent under the provisions of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948, the court shall exercise the powers of granting relief against ejectment given by section 14 of this Act following

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(Chapter IV.—Deposit of rent.—Section 19.)

the provisions and procedure of that section as far as may be necessary, and for the said purpose shall make such order for amendment of pleadings, production of evidence, remand, payment of costs as may be necessary or just.

CHAPTER IV.

DEPOSIT OF RENT.

19. (1) Where the landlord does not accept any rent tendered by the tenant, or the tenant experiences difficulty in paying the rent to the landlord of the premises, he may deposit such rent with the Controller in the prescribed manner. Deposit of
rent by
the tenant.

(2) The deposit shall be accompanied by an application supported by an affidavit, from the tenant stating (a) the premises for which the rent is deposited, with description sufficient for identifying the premises, (b) the period for which the rent is deposited, (c) the name and address of the landlord, and (d) the reasons and circumstances which led him to deposit the rent:

Provided that no affidavit in support of an application shall be required in case of a deposit made subsequent to the first deposit if the reasons and circumstances which led the tenant to make the first deposit remain the same.

(3) The application shall be accompanied by a correct copy of the application and the prescribed fee for sending to the landlord, or to person or persons mentioned in sub-section (4), the notice of the deposit, accompanied by a copy of the application by registered post with acknowledgment due.

(4) When the reason for making the deposit is doubt as to the person or persons entitled to receive the rent, the tenant shall state in his application, if possible, the name and address of the person or persons who, to his best information and belief, is the landlord entitled to receive the rent, and in case there are more such persons than one the application shall be accompanied by as many copies as there are such persons.

(5) The Controller, on receipt of the deposit, the prescribed fee, the application and its copy or copies, shall, within fifteen days of such receipt, send to the landlord or to the person or each of the persons referred to in sub-section (4), if any such person or persons have been named with address in the application, a notice of the deposit in the prescribed manner, as also a copy of the application, authenticated by the seal of his office and his signature or the signature of some person authorised by him, by registered post with acknowledgment due. A copy so authenticated shall be evidence in court of law without further proof of the contents of the original application made to the Controller.

(Chapter IV.—Deposit of rent.—Section 20.)

(6) If the landlord named in the application asks by a petition for payment to him of the rent deposited, the Controller, on being satisfied that the landlord named in the application is the petitioner, shall pay the amount to him in the prescribed manner.

(7) If the person or persons named in the application according to sub-section (4), asks or ask by a petition for payment to him or to them of the rent deposited, stating that he or they is or are the landlord or landlords entitled to receive the rent, or asking for payment to them keeping open the question of disputed landlordship, or agreeing that some one or more amongst them should receive payment, the Controller on being satisfied that the person or persons named in the application is or are the petitioner or petitioners shall pay the amount to him or them in the prescribed manner.

(8) If the amount of rent deposited is not withdrawn by the landlord or person or persons mentioned in sub-section (4), before the expiration of five years from the date of posting of notice of the deposit, it shall, subject to any order of any court, be forfeited to Government.

(9) If at the time of filing the petition mentioned in sub-section (6) or (7), but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons mentioned in sub-section (4), complain to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant opportunity of being heard, may levy a fine on him which may extend to five hundred rupees if he is satisfied that the said statements were materially untrue and that there was no difficulty in paying the rent direct to the landlord as alleged in his application for depositing the rent, and may order that a sum out of the fine realised be paid to the landlord as compensation. But if on hearing the matter the Controller is satisfied that the said statements were substantially correct and there was difficulty in the way of the tenant paying the rent direct to the landlord as alleged in the tenant's application, he may levy a fine on the complainant which may extend to five hundred rupees, and may order that a sum out of the fine realised be paid to the tenant as compensation.

Explanation.—If after such complaint the complainant does not desire or neglects to proceed with the hearing of his complaint, the matter may be heard and order made at the instance of the tenant.

**Time-limit
for making
deposit and
conse-
quence of
incorrect
particulars
in applica-
tion for
deposit.**

20. (1) No rent deposited under section 19 shall be considered to have been validly deposited under that section for purposes of clause (i) of the proviso to sub-section (1) of section 12, unless deposited within fifteen days of the time fixed by contract for payment of the rent, or in the absence of such contract unless deposited within the first day of the second month next following that for which the rent was payable.

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*(Chapter IV.—Deposit of rent.—Chapter V.—Hotels and
Lodging Houses.—Sections 21—25.)*

(2) Nor shall such deposit be considered to have been validly made for purposes of the said clause if any statements in the tenant's application depositing the rent, whether made designedly or with gross negligence, were calculated to prevent the landlord from receiving payment from the Controller, unless the landlord has received such payment before the date of filing suit for recovery of possession of premises from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1), and does not cease to be a valid deposit for the reason mentioned in sub-section (2), the deposit shall constitute payment of rent to the landlord if the amount deposited would have been valid legal tender of rent if tendered to the landlord on the date fixed by contract for payment of rent when there is such a contract, or in the absence of such contract on the fifteenth day of the month next following that for which rent is payable.

21. The receipt of payment of rent deposited under section 19 from the Controller, in the manner provided therein, shall not operate as an admission against the receiver of the correctness of the rate of rent, the amount due, or of any other facts stated in the tenant's application depositing the rent under the said section, nor shall it operate as a waiver of any notice to quit given by him to the tenant.

Saving
as to
acceptance
of rent.

CHAPTER V.

HOTELS AND LODGING HOUSES.

22. The Controller shall, on application made by any person interested,—

- (a) fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house and in fixing such fair rate specify separately the rate for lodging, board or other service;
- (b) fix the number of lodgers to be accommodated in each room or specified unit of accommodation in a hotel or lodging house.

Fixation
of fair
rate and
number of
lodgers.

23. The Controller may from time to time revise the fair rate or the number of lodgers fixed under section 22.

Revision of
fair rate
and num-
ber of
lodgers.

24. The manager of a hotel or the owner of a lodging house shall, where the fair rate or the number of lodgers has been fixed under section 22 for a hotel or lodging house, display in a conspicuous part of the hotel or lodging house a notice of the fair rate and the number of lodgers so fixed.

Notice of
fair rate
and
number of
lodgers to
be dis-
played.

25. An agreement for the payment of any charge in excess of the fair rate referred to in section 22 shall be null and void in respect of such excess and shall be construed as if it were an agreement for the payment only of such fair rate.

Agree-
ment for
payment of
charges in
excess of
fair rate.

(Chapter V.—Hotels and Lodging Houses.—Chapter VI.—
Appointment of the Controller and other Officers, their
powers and functions.—Sections 26—28.)

No
eviction if
fair rate
paid.

26. No manager of a hotel or owner of a lodging house shall have any right to evict or refuse board or other service to a lodger as long as he pays or tenders payment of the fair rate fixed under section 22 and observes and performs the other conditions of the agreement in so far as they are not inconsistent with the provisions of this Chapter:

Provided that a lodger shall not be entitled to the benefit of this section—

- (a) if the lodger has been guilty of conduct which is a nuisance or an annoyance to the other lodgers of the hotel or lodging house; or
- (b) if the lodger has continuously been absent from such hotel or lodging house for a period exceeding two months; or
- (c) if the lodger having contracted to stay for any specified period stays beyond that period unless the Controller on an application made to him in this behalf extends the period.

Punish-
ment.

27. (1) Every manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified unit of accommodation in a hotel or lodging house in excess of the number fixed by the Controller under section 22, except with the consent of all the lodgers of such room or specified unit of accommodation, shall on conviction in a Criminal Court be punished with fine which may extend to one thousand rupees.

(2) Every manager of a hotel or owner of a lodging house who fails to display a notice as required under section 24 of the fair rate or the number of lodgers fixed under section 22 shall on conviction in a Criminal Court be punished with fine which may extend to five hundred rupees.

CHAPTER VI.

APPOINTMENT OF THE CONTROLLER AND OTHER OFFICERS, THEIR POWERS AND FUNCTIONS.

Appoint-
ment of
Controller
and
Additional
and
Deputy
Controllers.

28. (1) The State Government may, by notification, appoint a person to be the Controller for any area or part of area to which this Act extends to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act in such area or part.

(2) The State Government may also, by notification, appoint any person to be an Additional Controller or a Deputy Controller for any area to which this Act extends.

(3) An Additional Controller or a Deputy Controller shall exercise such of the functions of the Controller as may, subject to the control of the State Government, be assigned to him by the Controller and in the discharge of these functions an Additional Controller or a Deputy Controller shall exercise the same powers and discharge the same duties as the Controller.

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(Chapter VI.—Appointment of the Controller and other officers, their powers and functions.—Sections 29, 30.)

(4) The Controller may—

- (a) transfer any case pending before him for disposal to any Additional Controller or Deputy Controller, or
- (b) withdraw any case pending before any Additional Controller or Deputy Controller, and
 - (i) dispose of such case himself, or
 - (ii) transfer such case for disposal to any other Additional Controller or Deputy Controller.

(5) A Controller, an Additional Controller or a Deputy Controller appointed under this section shall be either,—

(a) a member—

- (i) in Calcutta, of the Judicial Branch of the State Civil Service of not less than ten years' standing in such service, and
- (ii) elsewhere, of the Executive or Judicial Branch of the State Civil Service, or State Junior Civil Service, or

- (b) (i) an advocate or attorney of the High Court in Calcutta of not less than ten years' standing, and
- (ii) an advocate, or pleader of not less than ten years' standing elsewhere.

29. (1) The hearing of every application made to the Controller under this Act shall be completed within a period of three months, other than an application for obtaining permission under sub-section (2) of section 38, which shall be completed within a period of one month, unless, in either case, for reasons to be recorded by the Controller in writing, it is not possible for him to complete the hearing within that period.

Final
hearing
of certain
applica-
tions.

(2) The hearing of every application shall, when it has begun, be continued from day to day unless, for reasons to be recorded by the Controller in writing, it is not possible so to do.

(3) In all proceedings before him the Controller shall consider the question of costs and may award to and against any party such costs as would be reasonable.

30. Subject to other provisions of this Act before exercising any of the powers conferred on him by this Act, the Controller shall give notice by registered post of his intention to do so to the landlord and to the tenant, if any, and shall cause a copy of such notice to be affixed in a conspicuous place at the office of the Controller, and shall duly consider any application received by him within the period specified in the notice from any person having any interest in the premises in respect of which such power is exercised.

Notice to
landlords
and
tenants
before
exercising
powers
under the
Act.

Explanation.—No such notice shall be necessary for exercise of the powers of the Controller under sections 38, 39 and 42.

(Chapter VI.—Appointment of the Controller and other officers, their powers and functions.—Chapter VII.—Appeal, Revision and Review.—Sections 31, 32.)

Power to enter and inspect premises, to require information and to summon witnesses.

31. (1) For the purposes of any inquiry for discharge of his duties under this Act the Controller may,—

- (a) enter and inspect, or authorise any officer subordinate to him to enter and inspect, any premises, hotel or lodging house at any time between sunrise and sunset; or
- (b) by written order require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in the order:

Provided that no premises shall be entered under clause (a), without the consent of the occupier, unless at least twenty-four hours' previous notice in writing has been given.

(2) The Controller shall, subject to any rules made under this Act, and, in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908.

Act V of
1908.

CHAPTER VII.

APPEAL, REVISION AND REVIEW.

Appeal and review.

32. (1) From every final order of the Controller an appeal shall lie—

- (a) in respect of premises within the Ordinary Original Civil Jurisdiction of the Calcutta High Court to the Chief Judge of the Court of Small Causes of Calcutta, who shall entertain and hear the appeal in the capacity of a judicial officer as described in paragraph (1), sub-paragraph (ii) of Schedule B, with power to transfer as provided therein and the court to which the appeal is transferred shall also hear it in the capacity of a judicial officer as therein described;
- (b) in respect of premises elsewhere to the District Judge of the district in which the premises in respect of which such order is made are situated, with power to transfer the appeal for hearing to any court of Subordinate Judge within the district.

(2) Such appeal shall be filed within thirty days of the order of the Controller excluding the day of the order and such time as is requisite for obtaining a certified copy of the order.

(3) The procedure for filing the appeal and powers and procedure of the court in entertaining and hearing the appeal shall be the same as in appeals from orders under the Code of Civil Procedure, 1908.

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*(Chapter VIII.—Penalties and Miscellaneous.—
Section 33.)*

(4) From any order made in such appeal no further appeal shall lie, but the High Court may revise the order on the ground of error of law, or on the ground of material failure of justice.

Act V of
1908.

IX of 1908.

(5) The Controller, the appellate officer hearing appeals from orders of the Controller, and the High Court exercising power of revision under sub-section (4), may exercise powers given to courts by sections 151 and 152 of the Code of Civil Procedure, 1908, and may also exercise the power of review given to courts by Order 47 of the Code of Civil Procedure, 1908, subject to conditions, so far as applicable, as laid down in the said Order, and subject to the law of limitation as laid down in the Indian Limitation Act, 1908.

(6) (i) Appeal from decree in a suit described in section 16, when passed by the Chief Judge of the Calcutta Court of Small Causes in exercise of capacity of judicial officer as described in Schedule B shall be to the High Court as appeal from the Court of District Judge. Appeal from decree in such suit passed by any other Judge of the Calcutta Court of Small Causes in exercise of capacity of judicial officer as described in Schedule B, shall be to the High Court, when the value of the suit exceeds rupees five thousand, as appeal from the Court of Subordinate Judge.

(ii) When the value of the suit heard by such Judge does not exceed rupees five thousand the appeal shall be to a Bench consisting of the Chief Judge and another Judge of the Calcutta Court of Small Causes other than the Judge from whose decree the appeal has been preferred as selected by the Chief Judge, and in case they differ in opinion the appeal shall be heard by a third Judge of the same court selected by the Chief Judge, other than the Judge from whose decree the appeal has been preferred, and the appeal shall be decided in accordance with the opinion of the majority of the Judges who heard the appeal, and in case there is no such majority the decision shall be in accordance with the opinion of the Chief Judge. The Chief Judge and the other Judge or Judges hearing the appeal shall do so in capacity respectively of judicial officer as prescribed in Schedule B.

CHAPTER VIII.

PENALTIES AND MISCELLANEOUS.

33. (1) Whoever knowingly—

- (a) receives, whether directly or indirectly, any sum on account of the rent of any premises in excess of the standard rent, or
- (b) receives, whether directly or indirectly, or invites offers or asks for, any premium, *salami*, fine or any other like imposition in addition to the standard rent, or

Penalty for
recovering
rent in
excess of
the
standard
rent.

*(Chapter VIII.—Penalties and Miscellaneous.—
Sections 34, 35.)*

(c) receives, whether directly or indirectly, any sum as rent in advance in excess of one month's rent without the written consent of the Controller, shall, on the complaint of the party aggrieved or of the State Government to the Controller, be liable,—

- (i) in the case referred to in clause (a), on the first occasion, to a fine which may extend to five times the amount recovered in excess of the standard rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to ten times the amount of such excess;
- (ii) in the case referred to in clause (b), on the first occasion, to a fine which may extend to two thousand rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to five thousand rupees; and
- (iii) in the case referred to in clause (c), on the first occasion, to a fine which may extend to twice the amount received in excess of one month's rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to four times the amount so received,

to be imposed, in each case after inquiry, by the Controller.

(2) A person shall also be deemed to receive a sum in excess of the standard rent under clause (a) of sub-section (1), if he receives any form of consideration having money value as part of rent, and the total rent thus received is in excess of the standard rent.

Penalty for
disturb-
ance of
easements,
etc.

34. Whoever, in any case in which an order or decree for the recovery of possession of any premises is prohibited under section 12, without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, wilfully disturbs any easement annexed to such premises, or removes, destroys, or renders unserviceable, anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such premises, shall, on the complaint of the party aggrieved, be liable, on the first occasion, to a fine which may extend to five hundred rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to one thousand rupees, to be imposed, after inquiry, by the Controller.

Payment
and
recovery
of fine.

35. The fine imposed or any sum ordered to be paid under this Act shall be paid by the person fined or ordered to pay in the prescribed manner within thirty days from the date of the order of the Controller or within such further period as the Controller may allow for such payment for

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*(Chapter VIII.—Penalties and Miscellaneous.—
Sections 36—38.)*

**Ben. Act
III of
1913.**

special reasons to be recorded by him in writing and in default of such payment the fine shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913.

36. No complaint under section 33 or section 34 shall be brought against any person after the expiration of six months from the date of the commission of the act in respect of which the complaint is brought.

**Limitation
for com-
plaints.**

**XV of
1882.
Act V of
1908.**

37. No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882, and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that no part of the rent, in respect of which execution is applied for, is irrecoverable under this Act.

**Issue of
distress
warrants
and other
processes
barred in
certain
cases.**

38. (1) The Controller shall, on application made to him in this behalf by any tenant in possession of any premises, cause a notice to be served in the prescribed manner on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the premises or to take any measures for the due maintenance of any essential supply or service, such as the maintenance of the supply of water or electricity, the maintenance of conservancy or sanitary service and the maintenance of any lift, which such landlord is bound to maintain in the premises under the conditions of the tenancy or according to local usage.

**Making of
repairs and
taking of
measures
for the main-
tenance of
essential
services
by the
tenant on
the failure
or neglect
of the
landlord
to do so.**

(2) If after the service of such notice the landlord fails to show proper cause or neglects to make such repairs or to take within reasonable time such measures, as the case may be, the tenant may submit to the Controller an estimate of the cost of such repairs or measures, and may apply to him for permission to make such repairs or to take such measures himself and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs or to take such measures, as the case may be, at a cost not exceeding such amount as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs or to take such measures himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year:

Provided further, that if the repairs or measures, though necessary in the opinion of the Controller exceed in cost,

(Chapter VIII.—Penalties and Miscellaneous.—
Section 39.)

the said amount, and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs or to take such measures.

(3) The repairs or measures mentioned in sub-section (1) shall not be deemed to include such repairs or measures without which the premises are not habitable or usable except with great inconvenience, like keeping them wind and water tight. The landlord shall be bound to make such repairs or take such measures in any event. On his failure to do so the provisions of sub-sections (1) and (2) shall apply without the limitation as to the amount deductible or recoverable as provided in the said sub-sections.

**Taking of
measures
by the
tenant in
case of
emergency.**

39. Notwithstanding anything contained in section 38, if the necessity for making any repairs or for taking any measures referred to in that section, is so urgent that any delay involved in the procedure referred to therein is likely to subject the tenant to personal loss, damage or serious inconvenience, the tenant may himself cause the notice referred to in section 38 to be served in the prescribed manner on the landlord requiring him to make such repairs or to take such measures within seventy-two hours of the service of such notice and shall in every such case submit, at the same time, a copy of such notice to the Controller together with an estimate of the cost of such repairs or measures to enable the Controller to make such inquiries as he may consider necessary about the necessity of such repairs or measures and the correctness of the estimate so submitted, and if, after the service of such notice, the landlord fails to make such repairs or to take such measures within the time mentioned in the notice, the tenant may himself make such repairs or take such measures, as the case may be, and, after completion of such repairs or measures, submit to the Controller a statement of the costs thereof and thereafter the Controller, after giving the landlord an opportunity of being heard and making such further inquiries as he may consider necessary, may, by an order in writing, determine the amount of the costs which the tenant is entitled to recover from the landlord, and the tenant may thereupon deduct the amount so determined from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Explanation.—The limitation as to the amount deductible or recoverable as provided in this section shall not apply to such repairs or measures without which the premises are not habitable or usable except with great inconvenience, like keeping them wind and water tight.

XVII of 1950.]

*(Chapter VIII.—Penalties and Miscellaneous.—
Sections 40—43.)*

40. (1) Whoever knowingly accepts or obtains or attempts to accept or obtain, whether directly or indirectly, any sum or valuable thing or any pecuniary advantage on account of any premium, *salami* or fine in addition to the rent lawfully payable under this Act, shall also, on conviction in a Criminal Court, be punished with imprisonment for a term which may extend to two years or with fine or with both and, without prejudice to any other method of recovery, the Court may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

Criminal liability and refund of the consideration paid in addition to the standard rent.

Act V of
1898.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) shall be cognizable and bailable.

41. (1) No landlord either himself or through any person purporting to act on his behalf shall without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

Cutting off or withholding essential supply or service.

(2) Any landlord who contravenes the provisions of sub-section (1) shall, on conviction in a Criminal Court, be punished with imprisonment for a term which may extend to six months or with fine or with both.

Explanation.—In this section essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service.

IX of 1910.

42. (1) A tenant desiring to get supply of electricity from a licensee, as defined in clause (h) of section 2 of the Indian Electricity Act, 1910, may apply to the Controller, setting out the scheme for such supply.

Tenant may get supply of electricity to the premises without the permission of the landlord.

(2) On receipt of such application the Controller, after giving the landlord and the owner of the premises, if he be not the landlord, opportunity of being heard, permit the tenant to get the supply in accordance with the scheme set out in the tenant's application or in accordance with any modified scheme.

(3) On such permission being given, notwithstanding anything contained in any other law for the time being in force, the owner shall be deemed to have given the requisite consent under sub-section (2) of section 12 of the Indian Electricity Act, 1910, and the licensee shall not be liable to the owner for trespass for steps taken for supply of electricity according to the said permission.

43. Any person affected by any order of the Controller made under this Act shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such fees as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller.

Supply of certified copies of the order of the Controller.

[West Ben. Act

*(Chapter VIII.—Penalties and Miscellaneous.—
Sections 44—47.)*

Controller
to be a
public
servant.

44. A Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Act XLV
of 1860.

Repeal.

45. The West Bengal Premises Rent Control (Temporary Provisions) Act, 1948, is hereby repealed.

West Ben.
Act
XXXVIII
of 1948.

Bar of
proceed-
ings.

46. No suit, prosecution or other legal proceeding shall lie against any officer of Government for anything in good faith done or intended to be done under this Act.

Power to
make
rules.

47. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form of permits referred to in section 6;
- (b) the manner of obtaining the permission and executing an order referred to in section 15;
- (c) the manner of depositing rent under sub-section (1) of section 19;
- (d) the manner of sending notice of deposit referred to in sub-section (5) of section 19;
- (e) the manner of payment referred to in sub-sections (6) and (7) of section 19;
- (f) the procedure for summoning and enforcing the attendance of witnesses and compelling the production of documents referred to in sub-section (2) of section 31;
- (g) the procedure to be followed in inquiries under this Act, by the Controller, the Chief Judge of the Court of Small Causes of Calcutta and the District Judge;
- (h) the procedure for review of orders referred to in sub-section (5) of section 32;
- (i) the manner of payment of the fine referred to in section 35;
- (j) the manner of service of notices issued under this Act;
- (k) the charging or remitting of costs and fees and the fixing of a scale of costs and fees;
- (l) any other matter required to be prescribed by this Act.

(3) All rules made under this Act shall, as soon as may be after they have come into force, be laid before the State Legislature.

XVII of 1950.]

(Schedule A.)

SCHEDULE A.

[See section 2(10).]

Provisions for determining the standard rent of premises.

(1) In this schedule "basic rent" in relation to any premises means—

- (a) where the rent of any premises has been fixed by the Controller under the Bengal House Rent Control Order, 1942, or the Calcutta House Rent Control Order, 1943, or the Calcutta Rent Ordinance, 1946, the rent so fixed;
- (b) where the rent of the premises has not been so fixed the rent which was payable for the premises on the 1st day of December, 1941, or if any increased rent was paid for the premises between that date and the coming into operation of this Act, the increased rent, which was last paid but so as not to exceed the rent payable on the 1st day of December, 1941 by more than ten *per centum* in case of premises within Calcutta and twenty *per centum* in case of other premises.

(2) Where the premises are used for residential purposes, or mainly for residential purposes, the standard rent shall be—

- (a) the basic rent, if a period of three years has not elapsed after the time when rent was fixed as mentioned in paragraph (1) (a), or the increased rent as mentioned in paragraph (1) (b) was first paid;
- (b) when the said period of three years relevant to the case has elapsed or elapses the basic rent increased by five *per centum*, if the basic rent *per mensem* is not more than Rs. 100, and the basic rent increased by ten *per centum*, if the basic rent is more than Rs. 100:

Provided that where the basic rent is the rent payable on the 1st day of December, 1941, the standard rent shall be the basic rent increased by ten *per centum*.

Explanation.—In this paragraph and in the next succeeding paragraph of this schedule, the expression "residential purposes" includes purposes of being used as a hospital, an orphanage, a public library, or an educational or charitable institution.

(3) Where the premises are used or mainly used otherwise than for residential purposes, the standard rent shall be—

- (a) the basic rent, if a period of three years has not elapsed after the time when rent was fixed as mentioned in paragraph (1) (a), or the increased rent as mentioned in paragraph (1) (b) was first paid;
- (b) when the said period of three years relevant to the case has elapsed or elapses or where such period is not relevant the basic rent increased by ten *per centum*, if the basic rent *per mensem* is not more than Rs. 100, and the basic rent increased by fifteen *per centum*, if the basic rent *per mensem* is more than Rs. 100.

(4) Where any premises have been sub-let the standard rent of the sub-tenants shall not exceed by six and a quarter *per centum* the standard rent or a proportionate part thereof which may be taken as reasonably payable by

(Schedule B.)

the tenant who sub-lets the premises according as the premises are sub-let in whole or in part and where because of the proviso to section 3 the tenant has no standard rent under this Act the excess mentioned above shall be with reference to the rent payable by the tenant:

Provided that if the tenant supplies for use of the sub-tenant in the premises any furniture at tenant's own cost, to the standard rent as determined above payable in one year shall be added ten *per centum* of the price of the said furniture as on the day of commencement of the sub-tenancy, the instalments of payment of rent being divided as may be just and convenient.

SCHEDULE B.

(Sec section 16.)

(1) Where the premises are situate on land, wholly within the Ordinary Original Civil Jurisdiction of the Calcutta High Court:—

- (i) When the rent payable for one month for the premises exceeds Rs. 500—

The Calcutta High Court,

- (ii) In all other cases—

The Chief Judge of the Calcutta Court of Small Causes, who shall entertain and try the suit as a Court of the District Judge under the Bengal, Agra and Assam Civil Courts Act, 1887:

XII
of
1887.

Provided that he shall be entitled to transfer the suit for trial to any other Judge of the Calcutta Court of Small Causes, who shall try it as a Court of the Subordinate Judge under the Bengal, Agra and Assam Civil Courts Act, 1887.

(2) Where the premises are situate on land, wholly or partly outside the Ordinary Original Civil Jurisdiction of the Calcutta High Court—

The Court other than the Calcutta High Court, which would have had jurisdiction to try the suit if this Act were not passed.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XVIII of 1950

**The West Bengal
Fire Services Act, 1950**

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West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950.

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SCHEDULE.

West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th March, 1950.]

An Act to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters.

WHEREAS it is expedient to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Fire Services Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such local areas and on such dates as the State Government may, by notification from time to time in the *Official Gazette*, direct; and the State Government may by like notification withdraw this Act from any such local area.

2. In this Act, unless there is anything repugnant in the subject or context,— Defini-
tions.

(a) “Calcutta” means Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923;

(b) “the Collector” means, in relation to Calcutta, the Collector of Stamp Revenue and in relation to any other local area, the Collector of the district within which the local area is comprised;

(c) “the Commissioner” in relation to the Collector means the Divisional Commissioner to whom the Collector is subordinate;

(d) “cotton” means loose raw cotton;

(e) “Director” means the Director of Fire Services appointed by the State Government;

(f) “the fire brigade” means the fire brigade maintained by the State Government under section 3;

(g) “fire-fighting appliances” mean fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatsoever used for fire-fighting and include motor cars, motor cycles, trailers and other means of transport;

(h) “jute” means raw jute, either loose or in drums, and loose jute cuttings and rejections;

(i) “Magistrate” means a Presidency Magistrate or Magistrate of the First Class;

(Chapter II.—Fire Brigade.—Sections 3, 4.)

- (j) “person” includes an undivided Hindu family, and a firm or company or association of individuals whether incorporated or not;
- (k) “prescribed” means prescribed by rules made by the State Government under this Act;
- (l) “warehouse” means any building or place used whether temporarily or permanently for the storing or pressing or keeping of jute, gunny bags, cotton, hemp, resin, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, *ulugrass*, *golpata*, *hogla*, *durma*, raw rattan canes, cocoanut fibre, waste paper, packing boxes, inflammable chemicals or any other article which in the opinion of the State Government is inflammable and is specified by the State Government by notification in the *Official Gazette* for the purpose of this clause.

CHAPTER II.

FIRE BRIGADE.

Fire
brigade to
be main-
tained.

3. The State Government shall maintain a fire brigade for services in the local areas in which this Act is in force.

Power of
State
Govern-
ment to
make
orders with
respect to
the fire
brigade.

4. The State Government may from time to time make such general or special orders as it thinks fit—

- for furnishing the fire brigade with such fire-fighting appliances as it deems proper;
- for building or providing stations, or hiring places, for accommodating the members of the fire brigade and keeping its fire-fighting appliances;
- for giving gratuities to persons who have given notice of fires and to those who have rendered effective service to the fire brigade on the occasion of fires;
- for the training, discipline and good conduct of the members of the fire brigade;
- for the speedy attendance of members of the fire brigade with necessary fire-fighting appliances on the occasion of any alarm of fire;
- for sending the members of the fire brigade with necessary fire-fighting appliances, beyond the limits of any local area in which this Act is in force, in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;
- for the employment of the members of the fire brigade with necessary fire-fighting appliances, in work other than extinguishing fire, on such terms and conditions as it deems proper;

XVIII of 1950.]

(Chapter II.—Fire Brigade.—Sections 5—7.)

- for enforcing discipline and imposing punishment on any member of the fire brigade who may infringe orders;
- for regulating and controlling the powers, duties and functions of the Director; and
- generally, for the maintenance of the fire brigade in a due state of efficiency.

5. (1) On the occasion of a fire, the Director or the officer in charge of the members of the fire brigade on the spot, may—

Powers exercisable on the occasion of a fire.

- (a) remove or may order any member of the fire brigade to remove, any persons who by their presence interfere with the due operations of the fire brigade;
- (b) by himself or by members of the fire brigade, break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible;
- (c) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;
- (d) exercise the same powers for dispersing any assembly of persons likely to obstruct the operation of the fire brigade, as if he were an officer in charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers; and
- (e) generally take such measures as may appear necessary for the preservation of life and property.

(2) The Director or the officer in charge of the members of the fire brigade on the spot, may verbally nominate and depute one or more member or members of the fire brigade to act at a distance; and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

6. Police-officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties. They may close any street in or near which a fire is burning; and they may, on their own motion or on the request of the Director or any member of the fire brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

Police-officers to aid the fire brigade in execution of its duties.

7. No officer of the police and no member of the fire brigade shall be held liable to damages on account of any act done by him in the *bona fide* belief that such act was required for the proper execution of his duties.

Non-liability of police-officer, etc., to damages.

[West Ben. Act

(Chapter II.—Fire Brigade.—Chapter III.—Fire-works, etc.—Chapter IV.—Licensed Warehouses.—Sections 8—12.)

Enquiry
into
origin of
fire and
report to
Magis-
trate.

8. (1) In the case of any fire occurring within any local area in which this Act is in force, the seniormost officer in rank among the members of the fire brigade in that local area, shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred; and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any Fire Assurance Company or other person interested, on payment of the fees payable for the copies of judicial proceedings.

CHAPTER III.

FIRE-WORKS, ETC.

License
for letting
off rockets,
etc.

9. No person shall let off rockets or send up fire-balloons, or sell fire-works within any local area in which this Act is in force, without a license. A license for letting off rockets or sending up fire-balloons shall indicate the place from where the rockets are to be let off or the fire-balloons sent up.

Who may
grant
license;
fee for
license.

10. (1) The power of granting a license under section 9 shall be exercised in respect of Calcutta by the Director and in respect of any other local area, by the Magistrate of the district within which the local area is comprised or any other Magistrate to whom such Magistrate may delegate the power.

(2) The Director may, subject to the approval of the State Government, delegate his power under sub-section (1) to any officer subordinate to him.

(3) (a) The fee for a license to let off rockets or to send up fire-balloons for any particular occasion shall be one rupee.

(b) The annual fee for a license to sell fire-works shall be ten rupees payable in advance.

Power to
withdraw
or suspend
license.

11. A license granted under section 9 may be withdrawn or suspended by the authority who granted it, at his discretion:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

CHAPTER IV.

LICENSED WAREHOUSES.

License
for ware-
house.

12. No building or place shall be used as a warehouse unless the owner or occupier thereof shall have previously obtained under this Act, a license for such use from the Collector.

XVIII of 1950.]

(Chapter IV.—Licensed Warehouses.—Sections 13—15.)

13. No license to use any building or place as a warehouse shall be granted unless such building or place conforms to such conditions as may be prescribed.

Conditions to which a building or place is to conform before issue of license.

14. The owner or occupier of any building or place which was being used as a warehouse immediately before the date on which this Act comes into force in the local area within which such building or place is situated shall, upon application to the Collector, made in writing within one month from such date, be entitled to obtain a license to use such building or place as a warehouse under this Act, subject to the payment of the annual fee referred to in section 18:

License of building or place already used as warehouse.

**Ben. Act
I of 1893.**

Provided that if the owner or occupier of such building or place already holds a license for use thereof as a warehouse under the Licensed Warehouse and Fire-Brigade Act, 1893, he shall be entitled to deduct the proportionate amount already paid by him for the unexpired period of that license from such annual fee:

Provided further that if such building or place does not conform to the conditions prescribed under section 13, the owner or occupier shall within three months of obtaining the license for use thereof as a warehouse under this Act, effect necessary changes to conform to such conditions and in the event of his failure to do so, the license shall be liable to be cancelled by the Collector.

15. (1) Save as provided in the last preceding section, every person proposing to use as a warehouse any building or place situated within any local area in which this Act is in force, shall apply to the Collector and shall submit with his application a plan in duplicate of such building or place prepared on a scale of eight feet to an inch, showing—

License of new warehouse.

- (a) the boundaries of such building or place;
- (b) the position of the engines and furnaces used or proposed to be used in the warehouse; and
- (c) the space which has been reserved for the loading and unloading of carts and other vehicles or conveyance thereat.

(2) Upon such application as aforesaid being made, the Collector may in his discretion either grant or refuse a license.

(3) Every license granted under section 14 or under subsection (2) shall be required to be renewed annually; applications for renewal shall be made to the Collector, who may in his discretion grant or refuse renewal.

(4) Where a license or renewal of a license is refused, the Collector shall record in writing the reasons for such refusal.

(5) An appeal shall lie to the Commissioner from an order refusing a license or the renewal of a license.

[West Ben. Act

(Chapter IV.—*Licensed Warehouses.*—Sections 16—18.)

Period for disposal of application for license.

16. Every application for a license under section 14 or under section 15 shall be disposed of within thirty days from the date of its receipt by the Collector and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act, for the use as a warehouse of the building or place in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Collector.

Conditions to which a license shall be subject.

17. Licenses for a warehouse shall be subject to the following conditions, namely:—

- (a) that the warehouse shall at all times be open to the inspection by such officer or officers, being member or members of a fire brigade as may be appointed by the Director;
- (b) that the warehouse shall conform to the conditions prescribed under section 13;
- (c) that no article referred to in clause (1) of section 2, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse; and
- (d) that no part of a warehouse used for pressing or screwing jute or cotton shall be used as a residence and that no person shall be allowed to bring into such warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within such warehouse, while jute or cotton is stored therein.

Annual fee.

18. (1) The annual fee in respect of a license for the use of any building or place as a warehouse or for the renewal of such a license shall be payable in advance.

(2) The annual fee shall be calculated at such rate not being less than ten *per cent.* nor more than twenty-five *per cent.* of the annual value of the building or place used as a warehouse as may be prescribed and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the article stored, pressed or kept therein:

Provided that the State Government may prescribe by rules a maximum for the annual fee in respect of any class of warehouses.

(3) For purposes of sub-section (2) the annual value of building or place used as a warehouse shall be deemed—

- (a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes; and
- (b) if it is situated outside a municipality, to be seven and half *per cent.* of the current market value of the building (which expression shall in this section and elsewhere in this Act include any land appurtenant to the building) or place as determined by the Collector, subject to revision by the Commissioner, such revision being final.

XVIII of 1950.]

(Chapter IV.—Licensed Warehouses.—Sections 19—23.)

19. Whenever and so often as a change in the occupation of any warehouse occurs, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Collector of such change of occupation, and shall thereupon pay a fee of ten rupees; and his name shall accordingly be substituted in the license in respect of the warehouse for the name of the last occupier.

Change in occupation of warehouse to be notified.

20. (1) Whenever the Collector receives credible information that any condition to which the license of any warehouse is subject, has been broken by the holder thereof, the Collector shall communicate in writing the substance of such information to a Magistrate and the Magistrate may issue a summons upon the holder of the license to show cause why the license should not be cancelled or suspended and may suspend such license pending hearing of the case.

Collector may apply to Magistrate for cancellation of license.

(2) The Magistrate shall not make the order suspending such license unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the license named therein in the manner provided in the Code of Criminal Procedure, 1898, for the service of summons.

of V of
198.

21. The Magistrate, before whom the case instituted under the last preceding section is brought on for disposal, may, if he be satisfied after taking the evidence that there exists reasonable and proper grounds for cancelling or suspending the license, cancel such license or may suspend the same, for such time as he may think fit and may impose such conditions as to the reversal of such order of cancelment or suspension as may be consistent with the provisions under this Act for the grant of a license for a warehouse.

Magistrate may cancel or suspend license.

22. The Collector may delegate any of his powers, duties and functions under this Chapter to any officer or officers subordinate to him.

Delegation of powers by Collector.

23. (1) The State Government may, by general or special order, published in the *Official Gazette*, order that such of the powers, duties and functions of the Collector under this Act, as the State Government may specify in this behalf, shall be exercised and performed by the Corporation of Calcutta through its Executive Officer or the Commissioners of the municipality concerned through their Chairman and the Corporation of Calcutta and the Commissioners of the municipality concerned, as the case may be, shall comply with such order.

Power of State Government to direct delegation of powers.

(2) Where, in pursuance of such order, the Corporation of Calcutta or the Commissioners of a municipality realise any fees under this Act, such fees shall be paid to the State Government at such times and after making such deductions for the cost of collection and other incidental expenses therefrom as may be prescribed.

CHAPTER V.

PENALTIES.

Penalty
for letting
off rockets,
etc.

24. Any person who, within any local area in which this Act is in force, lets off rockets or sends up fire-balloons or sells fire-works without obtaining a license, shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees for every such offence.

Penalty
on house-
holders for
allowing
rockets,
etc., to let
off with-
out license.

25. If any rockets are let off or fire-balloons sent up from within the precincts of any private premises or compound without a license, the owner or occupier or person under whose immediate control the premises or compound is, shall, unless he can prove that the offence was committed without his knowledge, be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

Penalty for
not taking
out a
license for
a ware-
house.

26. Any person who without a license uses any building or place as a warehouse shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for each day during which he may so use or continue to use such warehouse.

Penalty for
using ware-
house after
refusal,
etc., of
license.

27. Any person who uses any warehouse in respect of which a license has been refused, or after the license in respect thereof has been cancelled or during the time for which such license has been suspended, shall be punishable, on conviction before a Magistrate, with fine not exceeding four hundred rupees and to further fine not exceeding one hundred rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty for
breach of
condi-
tions.

28. Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for any one such offence.

Penalty
for failing
to notify
change
in occu-
pation of
ware-
house.

29. If and so often as there be a change in the occupation of any warehouse, the person entering into occupation fails to give a notice and to pay the fees required by section 19 such person shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for each day during which he may so use or continue to use such warehouse.

Penalty
for giving
false
infor-
mation
to Col-
lector
respecting
license.

30. Any person who gives false information to the Collector or to any person performing or exercising powers, duties and functions of the Collector under this Act, with the object of inducing him to take action under section 20 shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

XVIII of 1950.]

(Chapter V.—Penalties.—Chapter VI.—Miscellaneous.—Sections 31—35.)

31. Any person who uses as a residence any portion of a warehouse used for pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable with fine not exceeding twenty rupees for each day during which he may reside therein.

Penalty for using as residence of warehouse used for pressing jute or cotton.

32. Any person who brings into a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored or used therein, any match-boxes, match-sticks or any artificial light not duly and thoroughly protected, shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for any such offence.

Penalty for using match-boxes, etc., in warehouse.

33. Any person who smokes within a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for any one such offence.

Penalty for smoking within warehouse.

CHAPTER VI.

MISCELLANEOUS.

34. (1) If the Corporation of Calcutta or the Commissioners of a municipality fail to make any payment as required under sub-section (2) of section 23, the State Government may attach the Municipal Fund of the Corporation of Calcutta or any portion thereof or the Municipal Fund of the Commissioners of the municipality or any portion thereof, as the case may be.

Failure of Corporation or municipality to pay annual fees collected.

(2) After such attachment, no person except an officer appointed in this behalf by the State Government shall, in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Corporation of Calcutta or the Commissioners of the municipality or any municipal officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the arrear due to the State Government.

35. (1) Any person committing an offence under section 24 may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be brought before a Magistrate or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

Police-officer may arrest offenders under section 24.

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 36—40.)

(2) Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before a Magistrate having jurisdiction in the matter.

Form of
license
under
Chapter
IV.

36. Every license granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule to this Act.

Act not
to apply
where
small
quantities
of in-
flammable
articles
are
deposited.

37. (1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (1) of section 2 are deposited.

(2) The State Government may from time to time declare by notification in the *Official Gazette* what quantities of the articles referred to in clause (1) of section 2 shall be deemed to be small quantities within the meaning of this section.

Certain
provisions
of Bengal
Act III
of 1923
and
Bengal
Act XV
of 1932
not to
apply.

38. On the application of this Act to Calcutta or any other municipality, section 386 of the Calcutta Municipal Act, 1923, or section 370 of the Bengal Municipal Act, 1932, as the case may be, shall be deemed to be repealed in so far as they entitle the Corporation of Calcutta or the Commissioners of the municipality to levy fees in respect of premises licensed for storing any article referred to in clause (1) of section 2.

Ben. Act
III of
1923.
Ben. Act
XV of
1932.

Repeal of
Bengal
Act I of
1893.

39. The Licensed Warehouse and Fire-Brigade Act, 1893, shall be deemed to be repealed on and from the date on which this Act comes into force in Calcutta; and on and from such date—

Ben. Act
I of 1893.

(a) without prejudice to the application of section 8 of the Bengal General Clauses Act, 1899, all rules, orders, declarations, financial arrangements and appointments made under the Licensed Warehouse and Fire-Brigade Act, 1893, shall continue in force in so far as they are not inconsistent with the provisions of this Act, until varied or rescinded;

Ben. Act
I of 1899.

(b) all assets held by the Commissioner of Police, Calcutta, for the use of and on behalf of the Fire Brigade, under the Licensed Warehouse and Fire-Brigade Act, 1893, shall pass to and be vested in the State.

Power to
make
rules.

40. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions referred to in section 13 to which a building or place shall conform before a license can be granted;

XVIII of 1950.]

(Schedule.)

- (b) the rate *per cent.* of the annual value of a building or place, at which the annual fee for using such building or place as a warehouse is to be calculated under sub-section (2) of section 18;
- (c) the maximum for the annual fee under the proviso to sub-section (2) of section 18;
- (d) the times at which payments shall be made and deductions which may be made under sub-section (2) of section 23.

SCHEDULE.

(See section 36.)

License under the West Bengal Fire Services Act, 1950.

No. of 19 .

License is hereby granted to.....
under the West Bengal Fire Services Act, 1950, to store or
press or keep (a).....in the building or place being
No. (b)....., subject to the conditions
noted on the back. It is hereby acknowledged that a sum of
Rupees....., being the license fee due by the
said.....for the period from.....
.....to.....in respect of the afore-
said license at the rate of Rs. *per annum* has
been received.

.....
Name of owner.

.....
Name of occupier.

.....
*Collector of Stamp Revenue,
Calcutta.*

.....
Collector of the district of

.....
*Executive Officer of the
Corporation of Calcutta.*

.....
*Chairman of the Commissioners
of Municipality of.....*

The.....day of.....

- (a) Here insert the name of the article.
- (b) Here insert the location.

[West Ben. Act XVIII of 1950.]

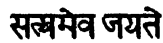
*(Schedule.)**(On the back of the license.)***Conditions.**

(1) The warehouse shall at all times be open to inspection by such officer or officers, being member or members of the fire brigade, as may be appointed by the Director of Fire Services.

(2) The warehouse shall conform to the conditions prescribed under section 13 of the West Bengal Fire Services Act, 1950.

(3) No article referred to in clause (1) of section 2 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.

(4) (In case the warehouse is used for the pressing or screwing of jute or cotton.) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse, while jute or cotton is stored therein.



Price—Indian, annas 6; English, 8d.

West Bengal Act XIX of 1950

THE WEST BENGAL SECURITY ACT, 1950.

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West Bengal Act XIX of 1950

THE WEST BENGAL SECURITY ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1950.]

An Act to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the State and the suppression of goondas and for maintaining supplies and services essential to the life of the community.

WHEREAS it is expedient to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the State and the suppression of goondas and for maintaining supplies and services essential to the life of the community;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Security Act, 1950. Short title, extent, commencement and duration.
(2) It extends to the whole of West Bengal.
(3) It shall be deemed to have come into force on the 26th day of January, 1950.
(4) It shall remain in force for a period of three years from the date on which it comes into force.
2. In this Act unless there is anything repugnant in the subject or context,— Definitions.
(1) “essential commodity” means food, water, fuel, light or power and includes such other thing as may be declared by the State Government by notification to be essential for the life of the community;
(2) “goonda” has the same meaning as in the Goondas Act, 1923;
(3) “notified” and “notification” mean notified and notification respectively in the *Official Gazette*;
(4) “prejudicial report” means any report, statement or visible representation, which, or the publishing of which, is, or is an incitement to the commission of, a subversive act as defined in clause (9);
(5) “prescribed” means prescribed by any order or rule made under this Act;

[West Ben. Act

(Chapter I—Preliminary.—Section 2.)

- (6) "protected place" means a place declared under section 6 to be a protected place;
- (7) "protected area" means an area declared under section 7 to be a protected area;
- (8) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration and any person engaged in any employment or class of employment which the State Government may, from time to time, declare to be employment or class of employment essential to the life of the community; Act XLV of 1950.
- (9) "subversive act" means any act which is intended or is likely—
- (a) to endanger—
- (i) communal harmony, or
- (ii) the safety or stability of the State;
- (b) to organise, further or help the illegal acquisition, possession or use of—
- (i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878, XI of 1878.
- (ii) explosive substances as defined in the Explosive Substances Act, 1908, or VI of 1908.
- (iii) corrosive substances or liquids;
- (c) to further the activities of goondas;
- (d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons;
- (e) to impede, delay or restrict—
- (i) any work or operation, or
- (ii) any means of transport or locomotion, necessary for the production, procurement, supply or distribution of any essential commodity,
- except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947. XIV of 1947.
- Explanation.*—(i) Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or stability of the State.
- (ii) An illegal strike or an illegal lock-out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an act in furtherance of an industrial dispute for the purposes of sub-clause (e).

XIX of 1950.]

(Chapter I.—Preliminary.—Chapter II.—Access to certain places and areas.—Sections 3—6.)

- (iii) The illegal acquisition, storage or movement of an essential commodity shall be deemed to be an act which is intended and is likely to impede, delay and restrict the operation necessary for the procurement, supply and distribution of such commodity for the purposes of subclause (e).

3. The provisions of this Act and of any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law:

Effect of the provisions of the Act when inconsistent with other law.

Provided that any action taken under the provisions of this Act for dealing with subversive activities shall have effect without prejudice to any action taken under the Preventive Detention Act, 1950 for dealing with such activities.

IV of 1950.

4. No prohibition, restriction or disability imposed by or under this Act, unless otherwise expressly provided by an order made by the State Government or by an officer specially authorised by the State Government in this behalf, shall apply to anything done by, or under the direction of, any public servant acting in the course of his duty as such public servant.

Saving.

5. If any person to whom any provision of this Act relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made—

Non-compliance with the provisions of the Act or any orders made thereunder.

- (a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply with such provision or order, or

- (b) evades, or attempts to evade, by any means such provision, or order,

he shall be deemed to have contravened such provision or order.

CHAPTER II.

ACCESS TO CERTAIN PLACES AND AREAS.

6. (1) If as respects any place or class of places the State Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, the State Government may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Act.

Protected places.

[West Ben. Act

*(Chapter II.—Access to certain places and areas.—
Section 7.)*

(2) No person shall, without the permission of the State Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any protected place.

(3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the State Government.

(4) Any police officer, or any other person authorised in this behalf by the State Government, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place and any vehicle, vessel, animal or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(5) If any person is in a protected place in contravention of this section, then without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the State Government.

(6) If any person is in a protected place in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

**Protected
areas.**

7. (1) If the State Government considers it necessary or expedient to regulate the entry of persons into any area, the State Government may without prejudice to any other provisions of this Act, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised in this behalf by the State Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(4) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he

XIX of 1950.]

*(Chapter II.—Access to certain places and areas.—
Sections 8, 9.)*

may be removed therefrom by or under the direction of any police officer on duty in the protected area or by any other person authorised in this behalf by the State Government.

(5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

8. Any person who effects or attempts to effect entry into a protected place or protected area—

Forcing or evading a guard.

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

9. (1) Without prejudice to any other provision of this Act, the State Government, as respects—

Orders for certain places and areas.

(a) any place or area declared by it to be a protected place or protected area, or

(b) any other place or area in relation to which it appears to it to be necessary to take special precautions for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in and in the vicinity of, such place or area.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-section (1) in relation to any place or area may make provision—

(a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of any contravention of the provisions of this Act;

(b) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-section to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;

(c) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity, as may be prescribed; and

[West Ben. Act

(Chapter III.—Prevention of subversive acts.—
Section 10.)

- (d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(3) An order made under this section in respect of a protected place or protected area may exempt such place or area from all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply, subject to such modifications as may be specified in the order.

(4) An order made under this section in respect of a place or area which is not a protected place or protected area may direct that all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modification as may be specified in the order.

(5) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

CHAPTER III.

PREVENTION OF SUBVERSIVE ACTS.

Sabotage.

10. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

- (a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority;
- (b) any railway (as defined in the Indian Railways Act, 1890), aerial ropeway (as defined in the Bengal Aerial Ropeways Act, 1923), tramway, road, canal, canal embankments, protective *bunds*, sluice-gates, lockgates, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome (as defined in the Indian Aircraft Act, 1934), air-field, air-strip or any installation thereon or any telegraph line or post (as defined in the Indian Telegraph Act, 1885);
- (c) any rolling-stock of a railway or tramway or any vessel or aircraft;
- (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

IX of
1890.
Ben. Act
VII of
1923.XXII of
1934.XIII of
1885.

XIX of 1950.]

(Chapter III.—Prevention of subversive acts.—Section 11.)

**XIX of
1923.**

(e) any prohibited place as defined in sub-section (8) of section 2 of the Indian Official Secrets Act, 1923.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the State Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

11. (1) No person shall, without lawful authority or excuse,—

Prohibition of subversive acts, publications and communications.

(a) do any subversive act; or

(b) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces any prejudicial report, and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened this section.

(3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both :

Provided that in any proceedings arising out of a contravention of this section,—

(a) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,—

**Ben. Ord.
VI of 1946.**

(i) before the Bengal Special Powers Ordinance, 1946, came into force, or

(ii) with the permission or under the authority of the State Government, or

(iii) as a proof intended for submission to the State Government or to a person or authority designated by the State Government in this behalf with a view to obtaining permission for its publication;

(b) in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published—

(i) before the Bengal Special Powers Ordinance, 1946, came into force, or

(ii) with the permission or under the authority of the State Government.

*(Chapter III.—Prevention of subversive acts.—
Sections 12, 13.)*

Proscrip-
tion, etc.,
of certain
documents.

12. (1) Where in the opinion of the State Government any document made, printed or published, whether before or after this Act comes into force, contains any prejudicial report, the State Government may, by order,—

- (a) require the author, printer, publisher or person in possession of such document not being a newspaper to inform the authority specified in the order of the name and address of any person concerned in the making of such report;
- (b) provide for the safe keeping by person in possession of such document and copies thereof;
- (c) require the delivery of such document and any copy thereof to any authority specified in the order;
- (d) prohibit the further publication, sale or distribution of such document, of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;
- (e) declare such document and every copy of translation thereof or extract therefrom, to be forfeited to the State.

(2) Where in pursuance of sub-section (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-section (1) any document has been declared to be forfeited to the State, any police officer may seize any copy thereof, wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to
impose
censor-
ship.

13. (1) The State Government may, for the purpose of preventing or suppressing subversive acts, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

- (a) require that all matters, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

XIX of 1950.]

*(Chapter IV.—Public Safety and Order.—
Sections 14, 15.)*

- (b) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931.

**XXIII of
1931.**

(2) If any person contravenes any order made under section (1), then, without prejudice to any other proceedings which may be taken against such person, the State Government may declare to be forfeited to the State every copy of any document published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Explanation.—In this Chapter “document” includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

CHAPTER IV.

PUBLIC SAFETY AND ORDER.

14. Any person who carries on his person or knowingly has in his possession or under his control any corrosive substance or liquid, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to seven years, to which fine may be added.

Punish-
ment for
carrying
or possess-
ing any
corrosive
substance
or liquid.

15. Whoever commits dacoity, robbery, theft, or theft in a building, vessel or vehicle or criminal misappropriation, if the commission of such offence takes place,—

Definition
of looting.

- (a) during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or
- (b) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or
- (c) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property,

is said to commit the offence of looting.

[West Ben. Act

*(Chapter IV.—Public Safety and Order.—
Sections 16—20.)*Use of
force to
stop
looting.

16. Any police officer may use such force as may be necessary even to the causing of death in order to stop the commission of the offence of looting within his view.

Curfew.

17. (1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the State Government, by order direct that, subject to any exemption specified in the order, no person present within any area or areas specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(3) In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

Ben. Act
IV of 1866.
Ben. Act
II of 1866.

Amend-
ment of
sections
127 and
128 of the
Code of
Criminal
Procedure,
1898.

18. In sections 127 and 128 of the Code of Criminal Procedure, 1898, for the words "or officer in charge of a police-station" the words "or any police officer of or above the rank of a head constable" shall be substituted.

Act V of
1898.

Control of
process-
ions,
meetings,
etc.

19. (1) The State Government may, by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in processions, meetings or assemblies which, in its opinion, are likely to disturb the communal peace or to endanger the safety or stability of the State.

(2) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this section.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Control of
movements
of com-
modities,
articles or
things.

20. (1) If, in the opinion of the State Government, it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community, it may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vessel, vehicle, aircraft or animal) either generally or between any particular places or on any particular route.

(2) Every order made under sub-section (1) shall remain in force for such period not exceeding three months at any one time as may be specified in the order.

XIX of 1950.]

(Chapter IV.—Public Safety and Order.—Section 21.)

(3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and the Court trying the offence shall order that the commodity, article or thing (including any vessel, vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to the State.

21. (1) The State Government, if satisfied with respect to any particular person that he is doing or is about to do or is likely to do any subversive act, may, with a view to preventing him from doing such act, make an order—

Power to make orders restricting the movements or actions of certain persons.

- (a) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in West Bengal as may be specified in the order;
- (b) requiring him to reside or remain in such place or within such area in West Bengal as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order;
- (c) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order;
- (d) imposing upon him such restrictions as may be specified in the order in respect of his employment, business or movements, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions.

(2) An order made under sub-section (1) shall be served on the person in respect of whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

**Act V
of 1898.**

(3) If any person is in any area or place in contravention of an order made under the provision of this section, or fails to leave any area or place in accordance with the requirements of such an order then, without prejudice to the provisions of sub-section (4), he may be removed from such area or place by any police officer or by any person acting on behalf of the State Government.

(4) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

*(Chapter IV.—Public Safety and Order.—
Sections 22—24.)*

Duration of
orders
made
under sec-
tion 21(1).

22. An order made under sub-section (1) of section 21 shall be in force for such period not exceeding three months as may be specified in the order unless earlier cancelled by the authority making the order :

Provided that the State Government may, as often as it thinks fit, make, after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance.

Control of
use of
loud-
speakers,
mega-
phones,
etc.

23. (1) The State Government may, for the purpose of preventing or suppressing subversive acts, by general or special order, prohibit, restrict, regulate or impose conditions on—

(i) the use or operation in any street, square, public place or other open space of any apparatus for amplifying the human voice, or any reproduction of the human voice, such as a megaphone or an electrically operated loud-speaker; and

(ii) the use, operation or driving in any street, square, public place or other open space of any vehicle which carries or has attached to it any apparatus referred to in clause (i).

(2) Any police officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this section and may seize any apparatus or vehicle in respect of which any contravention of any such order has in the opinion of such officer occurred :

Provided that any vehicle or apparatus seized by a police officer under this sub-section shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he thinks fit, but if no prosecution is instituted for a contravention of the order in respect of the vehicle or apparatus seized within a period which is in the opinion of the Magistrate reasonable, he shall direct its return to the person from whom it was seized.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and any Court trying such contravention may direct that any apparatus or vehicle in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the State.

Unlawful
drilling.

24. (1) The State Government may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) The State Government may, by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such camp, parade, meeting or assembly, or such class thereof, as may be specified in the order.

XIX of 1950.]

(Chapter IV.—Public Safety and Order.—Chapter V.—Miscellaneous Provisions.—Sections 25—27.)

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

25. (1) If the State Government is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Union Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety, or the maintenance of public order, the State Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress or article of apparel. Unofficial uniforms, etc.

(2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

26. (1) Any officer of Government authorised in this behalf by general or special order of the State Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct. Powers to require the assistance of certain persons.

(2) If any person fails to comply with any lawful direction given to him under sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER V.

MISCELLANEOUS PROVISIONS.

27. (1) Without prejudice to any special provisions contained in this Act, the State Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the State Government considers it necessary or expedient in the interest of the prevention or suppression of subversive acts to obtain or examine: Power to obtain information.

Provided that—

(i) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and

(ii) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish or produce.

[West Ben. Act

(Chapter V.—Miscellaneous Provisions.—Sections 28, 29.)

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

False
statement.

28. If any person, when required by or under any of the provisions of this Act to make any statement or furnish any information; makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Requisitioning of
property.

29. (1) If in the opinion of the State Government it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from their residences or shops due to communal strife, it may by order in writing requisition any property, moveable or immoveable, and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.

(2) The State Government may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to it to be expedient.

(3) The State Government shall pay compensation for any property requisitioned by it under sub-section (1), and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement;

(b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the State Government may award:

Provided that in the case of immoveable property, the arbitrator shall be a District Judge or an Additional District Judge;

and in awarding the amount of compensation, the arbitrator shall have regard to the pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper;

(d) in the case of immoveable property, the State Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate another person for the said purpose;

XIX of 1950.]

(Chapter V.—Miscellaneous Provisions.—Section 29.)

- (e) an appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or in the case of an amount payable periodically, two hundred and fifty rupees *per mensem*;
 - (f) in the case of moveable property where immediately before the requisition, the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the total compensation payable in respect of the requisition shall be apportioned between that person and the owner and in default of agreement, in such manner as the arbitrator referred to in clause (b) may decide to be just and proper;
 - (g) the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal in cases coming under clause (e) shall be paid within three months of the date of the award or order made by the arbitrator or the High Court;
 - (h) save as provided in this sub-section and in any rules made under section 39, nothing in any other law for the time being in force shall apply to an arbitration under this sub-section.
- (4) Where any immoveable property requisitioned under sub-section (1) is to be released from requisition, the State Government may, after making such enquiry, if any, as it considers necessary, specify by order in writing the person who appears to the State Government to be entitled to the possession of such property.
- (5) The delivery of possession of the immoveable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.
- (6) Where the person to whom possession of any immoveable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the *Official Gazette*.
- (7) When a notice referred to in sub-section (6) is published in the *Official Gazette*, the immoveable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.

(Chapter V.—Miscellaneous Provisions.—Section 29.)

(8) Where any immoveable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (3) which are applicable to immoveable property shall, as far as may be, apply.

(9) The State Government may, with a view to requisitioning any property under sub-section (1), by order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;
- (b) direct that the owner, occupier or person in possession of the property shall not without the permission of the State Government dispose of it or where the property is a building, structurally alter it or where the property is moveable, remove it from the premises in which it is kept till the expiry of such reasonable period as may be specified in the order.

(10) Without prejudice to any powers otherwise conferred by this Act any person authorised in this behalf by the State Government may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and, if so, in what manner, an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.

(11) (a) The State Government may, at any time by order in writing, require the owner of any immoveable property requisitioned under sub-section (1) to execute such repairs therein as it deems necessary and within such time as it may specify in the order.

(b) If the owner fails to execute or complete such repairs within the time specified, the State Government may cause such repairs to be executed or completed and the cost thereof shall be recoverable from the owner as if it were an arrear of land revenue.

(c) The State Government may, without prejudice to any other mode of recovery, deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).

(12) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

XIX of 1950.]

*(Chapter V.—Miscellaneous Provisions.—Chapter VI.—
Supplementary and Procedural.—Sections 30—32.)*

30. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be provided in rules prescribed in this behalf.

Publica-
tion and
service of
notices.

(2) Where this Act empowers an authority, officer or person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

(3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1), or in a case to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1)—

(i) shall not preclude proof by other means that he had information of the order; and

(ii) shall not affect the validity of the order.

(4) Any police officer and any other person authorised by the State Government in this behalf may, for any purpose connected with the prevention or suppression of subversive acts or with maintaining supplies and services essential to the life of the community or for carrying out the provisions of this Act, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this section enter any premises, vehicle or vessel at any time.

(5) Any person authorised by the State Government in this behalf may, for any purpose mentioned in sub-section (4), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on, or in, the premises, vehicle or vessel in such manner as may be specified in the order.

CHAPTER VI.

SUPPLEMENTARY AND PROCEDURAL.

31. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Attempts,
etc., to
contra-
vene the
provisions
of the
Act.

32. (1) In any area in which the State Government, as a consequence of apprehended danger to the public in such area, notifies in the *Official Gazette* in this behalf, any police officer may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or liquid or any weapon

Special
provision
for
searches.

[West Ben. Act

(Chapter VI.—Supplementary and Procedural.—
Sections 33, 34.)

of offence or any article which may be used as a weapon of offence and may seize any such substance or liquid together with its container, if any, or any such weapon or article discovered during such search :

Provided that every such search shall be made with due regard to decency and that no woman shall be searched except by a woman.

(2) Any police officer authorised in this behalf by general or special order of a Deputy Commissioner of Police in Calcutta and the Superintendent of Police elsewhere, may enter and search any place, vessel, vehicle, aircraft or animal and, for that purpose, stop any vessel, vehicle, aircraft or animal and may seize any commodity, article or thing (including any vessel, vehicle, aircraft or animal) which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (1) of section 20 or for doing any subversive act.

Explanation.—In this sub-section “Calcutta” has the same meaning as in section 17.

(3) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing (including any vessel, vehicle, aircraft or animal) seized under sub-section (2) shall be reported, without delay before a Magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.

General
power of
arrest
without
warrant.

33. Any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing a contravention of any order made under section 17.

Cognizance
of contra-
ventions of
the provi-
sions of
the Act or
orders
made
there-
under.

34. (1) No Court shall take cognizance of any alleged contravention of the provisions of this Act or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

(2) Proceedings in respect of a contravention of the provisions of this Act alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of the provisions of section 10 shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class.

Act V of
1898.

(4) Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, if such Magistrate or bench of Magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such

XIX of 1950.]

(Chapter VI.—*Supplementary and Procedural.*—
Sections 35—38.)

provisions of this Act or orders made thereunder as the State Government may, by notified order, specify in this behalf in accordance with the provisions contained in sections 262 to 265 of the said Code.

35. (1) Any authority, officer, or person who is empowered by or in pursuance of the provisions of this Act to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power. Power to give effect to orders, etc.

(2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the State Government may take, or cause to be taken, such steps as may in the opinion of the State Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

36. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court. Saving as to orders.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

I of 1872.

37. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Act or any order made or deemed to have been made thereunder. Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Act or any order made or deemed to have been made thereunder.

38. The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer or authority subordinate to the State Government. Delegation of powers and duties of the State Government.

[West Ben. Act

(Chapter VI.—Supplementary and Procedural.—
Sections 39—41.)Power to
make
rules.**39.** (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the documentary evidence of identity referred to in clause (c) of sub-section (2) of section 9 and the articles referred to in clause (d) of sub-section (2) of that section;

(b) the procedure to be followed in arbitrations and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal referred to in section 29;

(c) the manner of publication and service of notices referred to in sub-section (1) of section 30.

Savings
and
validation.**40.** Any rule or order made or deemed to have been made, any notification issued or deemed to have been issued, or any direction given or deemed to have been given under any provision of the West Bengal Security Ordinance, 1949, and in force immediately before the commencement of this Act shall on such commencement continue in force and so far as may be, be deemed to be a rule or order made, notification issued or direction given under the corresponding provision of this Act.West Ben.
Ord. II of
1949.

And any liability or penalty incurred or deemed to have been incurred, any punishment awarded or deemed to have been awarded, any action taken or deemed to have been taken, any prosecution or any proceeding commenced or deemed to have been commenced under any provision of the said Ordinance shall be deemed to have been incurred or awarded, taken or commenced as if this Act were already in force when such liability or penalty was incurred or was deemed to have been incurred, or when such punishment was awarded or deemed to have been awarded or when such action was taken or was deemed to have been taken or when such prosecution or such proceeding was commenced or was deemed to have been commenced.

Indemnity
for acts,
etc., done
after the
expiry of
the West
Bengal
Security
Act, 1948,
or the
West
Bengal
Security
Ordinance,
1949.**41.** (1) No suit, prosecution or other legal proceeding shall lie against a person in the service of Government or any person acting under the direction or order of or in aid or assistance of any person in the service of Government for or on account of or in respect of any act, matter or thing whatsoever, which even though the West Bengal Security Act, 1948, was not in force, was purported to have been done in pursuance of or under the said Act at any time between the expiry of the said Act and the publication of the West Bengal Security Ordinance, 1949, in the *Official Gazette* or which even though the West Bengal Security Ordinance, 1949, was not in force, was purported to have been done in pursuance of or under the said Ordinance at any time between the ceasing to be in force of the said Ordinance and the publication of this Act in the *Official Gazette*.West Ben.
Act III
of 1948.

XIX of 1950.]

(Chapter VI.—Supplementary and Procedural.—Section 41.)

West Ben.
Act III of
1948.

West Ben.
Ord. II of
1949.

(2) No suit or other legal proceeding shall lie against Government for or on account of or in respect of any act, matter or thing whatsoever, which even though the West Bengal Security Act, 1948, was not in force, was purported to have been done in pursuance of or under the said Act at any time between the expiry of the said Act and the publication of the West Bengal Security Ordinance, 1949, in the *Official Gazette* or which even though the West Bengal Security Ordinance, 1949, was not in force, was purported to have been done in pursuance of or under the said Ordinance at any time between the ceasing to be in force of the said Ordinance and the publication of this Act in the *Official Gazette*.

(3) Sub-sections (1) and (2) shall have effect notwithstanding anything to the contrary in any other law for the time being in force.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XX of 1950

**The West Bengal
Appropriation Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 2; English, 3d.

West Bengal Act XX of 1950

THE WEST BENGAL APPROPRIATION ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1950.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Appropriation Act, 1950.

Short title and commencement.

(2) This Act shall come into force on the 1st day of April, 1950.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees fifty four crores thirty eight lakhs sixty six thousand and seven hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

Issue of Rs. 54,38,66,700 out of the Consolidated Fund of West Bengal for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty first day of March, 1951.

Appropriation.

SCHEDULE.

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
1	4—Taxes on Income other than Corporation Tax.	3,31,000	..	3,31,000
2	7—Land Revenue	41,69,000	..	41,69,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
3	8—Provincial Excise	36,61,000	..	36,61,000
4	9—Stamps	5,98,000	..	5,98,000
5	10—Forest	49,02,000	..	49,02,000
6	11—Registration	15,83,000	..	15,83,000
7	12—Charges on account of Motor Vehicles Acts.	..	4,50,000	4,50,000
8	13—Other Taxes and Duties ..	13,90,000	..	13,90,000
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
9	17—Interest on works for which Capital Accounts are kept.	..	14,45,000	14,45,000
10	XVII—Irrigation—Working expenses	7,69,17,000	16,72,000	7,85,89,000
	18—Other Revenue expenditure financed from Ordinary Revenues.			
	18(1)—Other Revenue expenditure financed from Famine Insurance Fund.			
	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue.			
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.			
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
11	22—Interest on Debt and other obligations.	1,000	5,80,000	5,81,000
	F—Civil Administration.			
12	25—General Administration—General Administration.	2,30,30,000	7,70,000	2,38,00,000
13	25—General Administration—Debt Conciliation.
14	27—Administration of Justice ..	67,99,000	26,19,000	94,18,000
15	28—Jails and Convict Settlements ..	91,00,000	..	91,00,000
16	29—Police	4,82,76,000	..	4,82,76,000
17	30—Ports and Pilotage ..	8,75,000	..	8,75,000
18	36—Scientific Departments ..	4,81,000	..	4,81,000
19	37—Education	3,05,72,000	..	3,05,72,000
20	38—Medical	3,01,67,000	1,20,000	3,02,87,000
21	39—Public Health	77,85,000	..	77,85,000
22	40—Agriculture	2,61,58,000	..	2,61,58,000
	71—Capital Outlay on Schemes of Agricultural Improvement and Research outside the Revenue Account.			
23	41—Veterinary	14,95,000	..	14,95,000
24	42—Co-operation	17,81,000	..	17,81,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
25	43—Industries—Industries .. H—Civil Works and Miscellaneous Public Improvements. 52A—Other Revenue Expenditure connected with Electricity Schemes. XLI—Receipts from Electricity Schemes—Working expenses. HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account. 53—Capital Outlay on Electricity Schemes met out of Revenue Account. FF—Civil Administration—Capital Accounts not charged to Revenue. 72—Capital Outlay on Industrial Development outside the Revenue Account. 81A—Capital Outlay on Electricity Schemes outside the Revenue Account.	73,78,000	..	73,78,000
26	43—Industries—Fisheries ..	20,89,000	..	20,89,000
27	43—Industries—Cinchona ..	32,64,000	..	32,64,000
28	47—Miscellaneous Departments ..	22,77,000	..	22,77,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolida- ted Fund.	Total.
		Rs.	Rs.	Rs.
	H—Civil Works and Miscellaneous Public Improvements.			
29	50—Civil Works	6,09,05,000	9,01,000	6,18,06,000
	HH—Civil Works and Miscellaneous Public Improvements not charged to Revenue.			
	81—Capital Account of Civil Works outside the Revenue Account.			
	J—Miscellaneous.			
30	54—Famine	27,47,000	..	27,47,000
31	55—Superannuation allowances and pensions.	1,02,05,000	2,14,000	1,04,19,000
	JJ—Miscellaneous—Capital Account charged to Revenue.			
	55A—Commutation of pensions financed from Ordinary Revenues.			
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
	83—Payments of commuted value of pensions.			
	J—Miscellaneous.			
32	56—Stationery and Printing ..	37,34,700	..	37,34,700
	Deposits and Advances.			
	Depreciation Reserve Fund—Government Presses.			
	J—Miscellaneous.			
33	57—Miscellaneous—Miscellaneous ..	2,18,29,000	25,04,000	2,43,33,000
	82—Capital Account of other Provincial Works outside the Revenue Account.			

(Schedule.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on refugees.			
	JJ—Miscellaneous Capital Account not charged to Revenue.			
34	82—Capital Account of other Provincial Works outside the Revenue Account—Expenditure on refugees.	4,99,16,000	..	4,99,16,000
	Deposits and Advances.			
	Loans and Advances bearing interest— Loans and Advances to refugees.			
	M—Extraordinary items.			
35	63—Extraordinary charges in India ..	3,83,17,000	..	3,83,17,000
36	63B—Expenditure on Post-War Development Schemes.
37	64C—Pre-partition Payments ..	61,00,000	..	61,00,000
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
	XLVIA—Receipts from Road Transport Scheme—Working expenses.			
38	82B—Capital Outlay on Road Transport Scheme outside the Revenue Account.	1,65,06,000	4,12,000	1,69,18,000
39	85A—Capital Outlay on Provincial Schemes of State Trading.	1,59,63,000	..	1,59,63,000
	Deposits and Advances.			
40	Interest-free Advances	35,54,000	..	35,54,000
41	Loans and Advances bearing interest ..	73,24,000	..	73,24,000
	Grand Total ..	53,21,79,700	1,16,87,000	54,38,66,700

West Bengal Act XXI of 1950

THE BENGAL NURSES (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
Extraordinary, of the 31st March, 1950.]

An Act further to amend the Bengal Nurses Act, 1934.

10 and 11
Geo. VI,
c. 30.

WHEREAS on account of the Province of Bengal having ceased to exist and the constitution in lieu thereof of the two new Provinces of West Bengal and East Bengal under the Indian Independence Act, 1947, the bodies of electors and the electoral rolls of the Bengal Nursing Council are not applicable for election of members of the West Bengal Nursing Council;

Ben. Act
X of
1934.

AND WHEREAS it is expedient for election of members of the West Bengal Nursing Council further to amend the Bengal Nurses Act, 1934;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Nurses (West Bengal Amendment) Act, 1950.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

2. In section 4 of the Bengal Nurses Act, 1934, after the proviso, the following proviso shall be added, namely:—

Amend-
ment of
section 4
of Bengal
Act X of
1934.

“Provided further that no person shall be entitled to vote at the election of a person to be a member of the Council under clause (k), clause (l) or clause (m) or to be elected as such a member unless he is—

(i) a citizen of India; and

(ii) resides, or carries on his profession or is employed in West Bengal.”

West Bengal Act XXII of 1950

THE WEST BENGAL ANIMAL SLAUGHTER CONTROL ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 6th April, 1950.]

An Act to control the slaughter of certain animals.

WHEREAS it is expedient to control the slaughter of certain animals with a view to increase the supply of milk and to avoid the wastage of animal power necessary for improvement of agriculture;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Animal Slaughter Control Act, 1950.

Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different parts of West Bengal.

2. This Act applies to the animals specified in the Schedule.

Application of Act.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(i) "animal" means an animal to which this Act applies;

(ii) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923;

(iii) "President of a municipality" means any person presiding over the affairs of any municipal authority by whatever name he may be called, and includes any person nominated by him for the purposes of this Act;

(iv) "prescribed" means prescribed by rules made under this Act;

(v) "Veterinary Assistant Surgeon" means,—

(a) in areas other than Calcutta, a Veterinary Assistant Surgeon, and

(b) in Calcutta, a Veterinary Assistant Surgeon of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction, and

(vi) "Veterinary Officer" means,—

(a) in areas other than Calcutta, a District Veterinary Officer, and

(b) in Calcutta, a Superintendent of Veterinary Services (Headquarters) of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction.

2 *The West Bengal Animal Slaughter Control Act, 1950.*

[West Ben. Act

(Sections 4—6.)

Prohibition
of slaughter
of animal
without
certificate.

4. (1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any animal unless he has obtained in respect thereof a certificate under sub-section (2) or sub-section (3) that the animal is fit for slaughter.

(2) The President of a municipality and the Veterinary Assistant Surgeon may issue a certificate under their joint signatures that an animal is fit for slaughter if they are both of opinion (which shall be recorded) that—

(a) the animal is over fourteen years of age and unfit for work or breeding, or

(b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the President of a municipality and the Veterinary Assistant Surgeon as to the issue of a certificate under sub-section (2), the matter shall be referred to the Veterinary Officer and a certificate shall be issued or refused according as the Veterinary Officer is of opinion that the animal is fit to be slaughtered or is not so fit.

(4) Where under sub-section (3) a certificate is issued or refused, the order granting or refusing the issue of the certificate shall be signed by the Veterinary Officer.

(5) Any person aggrieved by the refusal to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal, and the State Government may pass such orders thereon as it thinks fit.

(6) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case, and may pass such orders thereon as it thinks fit.

(7) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any court.

Prohibition
of slaughter
of animals
in places
not
prescribed
for the
purpose.

5. No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place prescribed in this behalf.

Power to
enter and
inspect
premises.

6. (1) For the purpose of enforcing the provisions of this Act, the President of a municipality or the Veterinary Assistant Surgeon or any person, authorised by the Veterinary Assistant Surgeon in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been or is likely to be committed.

(Sections 7—14.)

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, to the best of his knowledge or belief.

7. Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Penalties.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable. Act V of 1898. Offences to be cognizable.

9. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence. Abetments and attempts.

10. All Presidents of municipalities, Veterinary Assistant Surgeons, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860. Officers exercising powers under this Act deemed to be public servants.

11. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Protection of persons acting in good faith.

12. The State Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter of any animal for any religious, medicinal or research purposes. Power to grant exemptions.

13. The State Government may, by notification in the *Official Gazette*, delegate to any officer of State Government all or any of its powers or functions under sub-sections (5) and (6) of section 4, or section 12. Delegation of functions.

14. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form and manner in which applications for certificates under section 4 shall be made;

(b) the fees payable for any certificate which may be issued under section 4 and the form of such certificates;

(The Schedule.)

- (c) the places in which animals may be slaughtered in pursuance of this Act;
- (d) the conditions subject to which the slaughter of any animal may be permitted under section 12.

The Schedule.

(See section 2.)

Bulls.

Bullocks.

Cows.

Calves.

Male and female buffaloes

Buffalo calves.

Castrated buffaloes.

West Bengal Act XXIII of 1950

THE CALCUTTA SHERIFF'S (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 6th April, 1950.]

An Act to amend the Calcutta Sheriff's Act, 1948.

West
Ben.
Act XXX
of 1948.

WHEREAS it is expedient to amend the Calcutta Sheriff's Act, 1948 for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Sheriff's (Amendment) Act, 1950. Short title and commencement.
- (2) It shall be deemed to have come into force on the 20th day of December, 1948.
2. In sub-section (2) of section 3 of the Calcutta Sheriff's Act, 1948 (hereinafter referred to as the said Act), for the word "allowances" wherever it occurs the word "remuneration" shall be substituted. Amendment of section 3 of West Bengal Act XXX of 1948.
3. In section 4 of the said Act, for the word "allowances" the word "remuneration" shall be substituted. Amendment of section 4.
4. In section 8 of the said Act, for sub-section (1), the following sub-section shall be substituted, namely:—
 "(1) The Consolidated Fund of the State shall be liable to make good all sums required to discharge any liability from which the Sheriff, the Deputy Sheriff or their subordinates are exempted under the provisions of section 7". Amendment of section 8.
5. In section 9 of the said Act, for the word "fees" wherever it occurs the words "fees, poundage and charges" shall be substituted. Amendment of section 9.
6. In section 10 of the said Act, the words "prior to the commencement of this Act" and the words "at the date of the commencement of this Act" shall be omitted. Amendment of section 10.
7. In sub-section (2) of section 12 of the said Act,—
 (1) in clause (a), for the word "allowances" the word "remuneration" shall be substituted; and
 (2) in clause (c), after the word "fees" the words ", poundage and charges," shall be inserted. Amendment of section 12.

West Bengal Act XXIV of 1950

THE BENGAL (RURAL) PRIMARY EDUCATION (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 6th April, 1950.]

An Act further to amend the Bengal (Rural) Primary Education Act, 1930.

Ben. Act
VII of
1930.

WHEREAS it is expedient further to amend the Bengal (Rural) Primary Education Act, 1930, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950. **Short title.**

2. In section 34 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the said Act),— **Amendment of section 34 of Bengal Act VII of 1930.**

(a) in sub-section (1) for the words “or profession” the words “, profession, employment, vocation or calling” shall be substituted;

(b) in sub-section (3) for the words “shall collect the tax as if it were the union rate or the chaukidari rate.”, the following words and proviso shall be substituted, namely:—

“shall collect and shall have power to collect the tax in the same manner as the union rate or the chaukidari rate;

Provided that the period within which the tax may be collected, shall be three years from the date on which the tax becomes due.”; and

(c) to sub-section (5), the following proviso shall be added, namely:—

“Provided that the Union Board or Panchayat shall in addition be entitled to claim and retain ten *per cent.* of the total collection made by it during any financial year out of the taxes assessed under sub-section (2) for that financial year, if such total collection amounts to at least eighty *per cent.* of the aggregate of the taxes assessed for that financial year under that sub-section”.

3. In section 56 of the said Act for the words “in any area for which the Union Board, Union Committee or Panchayat, has been constituted” the words “in any area lying within the jurisdiction of a Union Board, Union Committee or Panchayat” shall be substituted. **Amendment of section 56.**

Price—Indian, annas 2: English, 3d.

West Bengal Act XXV of 1950

THE BENGAL MUNICIPAL (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Municipal Act, 1932.

Ben. Act
XV of
1932.

WHEREAS it is expedient further to amend the Bengal Municipal Act, 1932 for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Municipal (West Bengal Amendment) Act, 1950.

Short title
and com-
mence-
ment.

(2) This section and sections 2 and 3 shall be deemed to have come into force on the 26th day of January, 1950, and section 4 shall come into force at once.

2. For section 19 of the Bengal Municipal Act, 1932 (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

Substitu-
tion of new
section
for section
19 of Ben-
gal Act XV
of 1932.

“19. (1) The State Government, if it considers necessary Representation of Sched- may, by order published in the duled Tribes. *Official Gazette*, reserve for members of the Scheduled Tribes a number of seats among the seats to which the Commissioners of a municipality are to be elected.

(2) The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to which the Commissioners are to be elected as the population of the Scheduled Tribes in the municipality bears to the total population therein.

(3) No member of the Scheduled Tribes for members of which seats are reserved under sub-section (1) shall, if eligible for election, be disqualified from election to any seat not so reserved.

(4) In this section, the expression ‘Scheduled Tribes’ has the same meaning as in clause (25) of article 366 of the Constitution of India.”.

3. In section 44 of the said Act, clause (d) shall be omitted.

Amend-
ment of
section 44.

4. In sub-section (1) of section 57 of the said Act,—

Amend-
ment of
section 57.

(a) after the word “make” the words “and subscribe” shall be inserted; and

(b) for the words and brackets “solemnly swear (or affirm) that I will be faithful and bear true allegiance” the words and brackets “swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance” shall be substituted.

Price—Indian, annas 2; English, 3d.

West Bengal Act XXVI of 1950

THE BENGAL VILLAGE SELF-GOVERNMENT (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Village Self-Government Act, 1919.

Ben. Act
V of 1919.

WHEREAS it is expedient further to amend the Bengal Village Self-Government Act, 1919 for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Village Self-Government (West Bengal Amendment) Act, 1950.

Short title
and com-
mence-
ment.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In sub-section (1) of section 7 of the Bengal Village Self-Government Act, 1919, the word “male” shall be omitted.

Amend-
ment of
section 7
of Bengal
Act V of
1919,

Price—Indian, annas 2; English, 3d.

West Bengal Act XXVII of 1950

THE BENGAL LOCAL SELF-GOVERNMENT (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Local Self-Government Act of 1885.

Ben. Act. III of 1885. WHEREAS it is expedient further to amend the Bengal Local Self-Government Act of 1885 for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Local Self-Government (West Bengal Amendment) Act, 1950.

Short title and commencement.

(2) This section and all other sections except section 7 shall be deemed to have come into force on the 26th day of January, 1950, and section 7 shall come into force at once.

Ben. Act V of 1919. **2.** For the purposes of this Act, the expression “non-union board areas” means areas not under the administration of union boards established under the Bengal Village Self-Government Act, 1919.

Definition.

3. In sub-section (1) of section 7A of the Bengal Local Self-Government Act of 1885 (hereinafter referred to as the said Act), the word “male” shall be omitted.

Amendment of section 7A of Bengal Act III of 1885.

4. In the proviso to section 9 of the said Act as in force in non-union board areas, the word “male” shall be omitted.

Amendment of section 9.

5. For section 10A of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 10A.

“10A. (1) The State Government if it considers necessary, may, by order published in the *Official Gazette*, reserve for members of the Scheduled Tribes a number of seats on a District Board or Local Board among the seats to which members of the District Board or Local Board are to be elected.

Price—Indian, annas 2; English, 3d.

2 *The Bengal Local Self-Government (West Bengal
Amendment) Act, 1950.*

[West Ben. Act, XXVII of 1950.]

(Sections 6—9.)

- (2) The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to which the members of the District Board or Local Board are to be elected as the population of the Scheduled Tribes in the area under the authority of the District Board or Local Board bears to the total population in such area.
- (3) No member of the Scheduled Tribes for members of which seats are reserved under sub-section (1) shall, if eligible for election, be disqualified from election to any seat not so reserved.
- (4) In this section, the expression 'Scheduled Tribes' has the same meaning as in clause (25) of article 366 of the Constitution of India."

Amend-
ment of
section 13.

6. In the proviso to section 13 of the said Act as in force in non-union board areas, the word "male" shall be omitted.

Amend-
ment of
section
16B.

7. In sub-section (1) of section 16B of the said Act,—
- (a) after the word "make" the words "and subscribe" shall be inserted; and
- (b) for the words and brackets "solemnly swear (or affirm)" the words and brackets "swear in the name of God (or solemnly affirm)" shall be substituted.

Amend-
ment of
section
36E.

8. In sub-section (1) of section 36E of the said Act, the word "male" shall be omitted.

Amend-
ment of
section
138.

9. In section 138 of the said Act, clause (aa) shall be omitted.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XXVIII of 1950

**The Calcutta Municipal
(Amendment) Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 4; English, 5d.

West Bengal Act XXVIII of 1950

THE CALCUTTA MUNICIPAL (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Calcutta Municipal Act, 1923.

Ben. Act
III of
1923.

WHEREAS it is expedient further to amend the Calcutta Municipal Act, 1923, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Municipal (Amendment) Act, 1950.

Short
title and
commence-
ment.

West Ben.
Act VIII
of 1948.

(2) This section and section 26 shall be deemed to have come into force on the date of the commencement of the Corporation of Calcutta (Temporary Supersession) Act, 1948; the rest of the Act shall come into force at once.

(3) Nothing in this Act shall affect the operation of the Corporation of Calcutta (Temporary Supersession) Act, 1948.

2. In section 5 of the Calcutta Municipal Act, 1923 (hereinafter referred to as the said Act),—

Amend-
ment of
section 5
of Bengal
Act III
of 1923.

(a) in clause (a), for the word “ninety-six” the word “seventy-six” shall be substituted; and

(b) in paragraph (i) of clause (a), for the word “ninety-five” the word “seventy-five” shall be substituted.

3. For section 8 of the said Act, the following section shall be substituted, namely:—

Substitu-
tion of new
section for
section 8.

“8. The seventy-five Councillors referred to in clause (a) of section 5 shall be elected by the constituencies specified in Schedule III, each constituency electing one Councillor.”.

4. Sections 8A and 8B of the said Act shall be omitted.

Omission
of sections
8A and 8B.

5. In section 10 of the said Act,—

Amend-
ment of
section 10.

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that the Mayor and Deputy Mayor elected at the first meeting of the Corporation held under section 59 after the first general election of Councillors subsequent to the commencement of the Calcutta Municipal (Amendment) Act, 1950, shall hold office until the first meeting in the second year following the year of the said

(Section 6.)

first general election, and there shall be no election of Mayor and Deputy Mayor at the first meeting in the year next following the year of the said first general election.”; and

- (b) in sub-section (2). for the word “appointed” occurring in two places, the word “elected” shall be substituted.

Amend-
ment of
section 20.

6. In section 20 of the said Act,—

- (a) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of the Bengal (Aliens) Disqualification Act, 1918, every person who owns, occupies or resides in any premises or exercises any profession, trade or calling within a constituency specified in Schedule III, shall be qualified as an elector of that constituency if such person—

Ben. Act
III of
1918.

- (a) having been liable to pay any consolidated rate, tax or license fee to the Corporation under this Act, has paid to the Corporation any sum as such rate, tax or license fee during and in respect of the year or any portion of the year last preceding the year in which the election is held; or
- (b) being or having been the occupier of any premises valued for assessment purposes under this Act or of any portion of such premises has at any time during the year last preceding the year in which the election is held, paid rent for such occupancy for at least six months during the said year at a rate not less than rupees four per month in the case of the premises being a hut in a *bustee* or at a rate not less than eight rupees per month in the case of the premises not being a hut in a *bustee*; or
- (c) has been for not less than six consecutive months during the year last preceding the year in which the election is held, the owner of a hut in a *bustee* which has been valued for assessment purposes under this Act and on account of which any sum has been paid during the said year in respect of consolidated rate; or
- (d) has passed the Matriculation examination of any University in India constituted by an Act of a Legislature or an examination which the State Government may prescribe by rules as at least equivalent to such examination and has ordinarily and actually resided in Calcutta during the greater part of the year last preceding the year in which the election is held;”;

(Sections 7—9.)

(b) in sub-section (2),—

(i) for the words “any other law on the subject for the time being in force”, the words, brackets and figures “the Bengal (Aliens) Disqualification Act, 1918” shall be substituted, and

(ii) the brackets and letters “(aa)” shall be omitted; and

(c) sub-sections (3) and (4) shall be omitted.

7. In section 22 of the said Act,—

(a) in sub-section (1),—

(i) the words and figures “or appointment under section 36” shall be omitted,

(ii) in clause (b) for the word “twenty-one” the word “thirty” shall be substituted, and

(iii) after clause (f) the following clause shall be inserted, namely:—

“(ff) fails to pay any arrears of any kind due by him otherwise than as a trustee, to the Corporation within three months after a special notice in this behalf has been served upon him; or”;

(b) in sub-section (2), the words and figures “or appointment under section 36” shall be omitted; and

(c) in sub-section (3), the words and figures “or appointment under section 36” shall be omitted.

8. For section 23 of the said Act, the following section shall be substituted, namely:—

“23. No person shall be eligible for election as a Councillor to represent a constituency specified in Schedule III unless—

Qualification for election as Councillor.

(a) his name is duly registered on the electoral roll of that constituency; or

(b) (i) he owns any premises or exercises any trade or calling within that constituency or is a resident of that constituency, and

(ii) his name is duly registered on the electoral roll of some other constituency.”.

9. In section 24 of the said Act,—

(a) before sub-section (1) the following sub-section shall be inserted, namely:—

“(a1) No person having the qualifications specified in clause (b) or clause (d) of sub-section (1) of section 20 shall be entitled to have his name registered on the electoral roll of any constituency unless he makes an application to the

Amend-
ment of
section 22.

Substitu-
tion of new
section for
section 23.

Amend-
ment of
section 24.

(Sections 10—12.)

authority referred to in clause (a) of sub-section (2) of section 25 for such registration in such manner and within such time as the State Government may prescribe by rules.”;

(b) in sub-section (1),—

(i) for the words “Every person shall” the words, brackets, letter and figure “Subject to the provisions of sub-section (a1), every person shall” shall be substituted, and

(ii) in the proviso, for the words, brackets, letters and figures beginning with the words “but for the provision” and ending with the words “qualified for election”, the words, brackets, letters and figures “such lunatic or minor has the qualifications specified in clause (a) or (b) or (c) of sub-section (1) of section 20” shall be substituted;

(c) in sub-section (2) after the words “one of its members”, the words “who is not under twenty-one years of age” shall be inserted; and

(d) in sub-section (3),—

(i) for the words “A person shall be entitled to have his name registered only once”, the following words shall be substituted, namely:—

“No person shall be entitled to have his name registered on the electoral roll of more than one constituency or more than once”, and

(ii) in the proviso, the word “same” shall be omitted.

Amend-
ment of
section 25.

10. In section 25 of the said Act,—

(a) in sub-section (2),—

(i) after clause (b) the following clause shall be inserted, namely:—

“(bb) the manner in which and the time within which applications referred to in sub-section (a1) of section 24 shall be made”, and

(ii) the words “Such rules may be made as to rolls generally or any class of rolls or any particular roll” shall be omitted; and

(b) in sub-section (3) after the word “prescribe”, the words “by rules” shall be added.

Amend-
ment of
section 26.

11. In section 26 of the said Act, the words “or Councillors” shall be omitted.

Substitu-
tion of new
section for
section 28.

12. For section 28 of the said Act, the following section shall be substituted, namely:—

“28. If in a constituency there is only one duly nominated candidate who has not withdrawn his candidature, he shall be declared to be duly elected.”.

Uncontested election.

(Sections 13—16.)

13. In section 29 of the said Act,—

Amend-
ment of
section 29.

- (a) in sub-section (1), for the words and figures “In any case not provided for in section 28”, the words “If in a constituency the number of duly nominated candidates after withdrawal of candidatures, if any, is more than one” shall be substituted;
- (b) sub-section (4) shall be omitted;
- (c) in sub-section (6), the words “or candidates, as the case may be,” shall be omitted;
- (d) in sub-section (7),—
 - (i) for the words “person or persons” the word “candidate” shall be substituted, and
 - (ii) after the words “the candidates” occurring for the last time, the words “or their representatives who may be present” shall be inserted; and
- (e) in sub-section (8), the words “or names” and the words “or candidates” shall be omitted.

14. In sub-section (2) of section 30 of the said Act, the words “or in regard to constituencies generally or any class of constituency or any particular constituency” shall be omitted.

Amend-
ment of
section 30.

15. In section 31 of the said Act,—

Amend-
ment of
section 31.

- (a) in sub-section (1), for the words “the date of the publication of the result of such election in the *Official Gazette*” the words “the last of the dates of the declarations of the results of the elections in the constituencies concerned” shall be substituted;
- (b) sub-section (2) shall be omitted;
- (c) in sub-section (3), the words “and shall call upon the other constituency or constituencies concerned to elect another person or persons” shall be omitted; and
- (d) after sub-section (3) the following sub-section shall be added, namely:—

“(4) The constituency or each of the constituencies concerned other than the constituency for which the candidate makes his choice under sub-section (1) or the constituency for which the candidate is to serve according to declaration made under sub-section (3), shall be deemed to fail to elect a Councillor within the meaning of section 36.”.

16. In section 32 of the said Act, after the words and figures “in section 22” the words, letter, figure and brackets “except the disqualification mentioned in clause (b) of sub-section (1) of that section or who is under twenty-one years of age” shall be added.

Amend-
ment of
section 32.

Calcutta Municipal (Amendment) Act, 1950.

[West Ben. Act

(Sections 17—20.)

Substitu-
tion of new
section for
section 36.

17. For section 36 of the said Act, the following section shall be substituted, namely:—

“36. (1) If there is no valid nomination for an election in any constituency or if the electors of a constituency fail to elect a Councillor, the vacancy in the seat of the Councillor of the constituency shall be deemed to be a casual vacancy and shall be filled by election under the provisions of section 43.

Failure to elect a person
to be deemed a casual
vacancy.

(2) The existence of any vacancy referred to in sub-section (1) shall not affect the validity of the Constitution of the Corporation or of any proceedings of any meeting of the Councillors to elect an alderman or aldermen.”

Omission
of section
37.

18. Section 37 of the said Act shall be omitted.

Amend-
ment of
section 38.

19. In sub-section (1) of section 38 of the said Act,—

(a) after the word “make” the words “and subscribe” shall be inserted; and

(b) for the words and brackets “solemnly swear (or affirm)” the words and brackets “swear in the name of God (or solemnly affirm)” shall be substituted.

Amend-
ment of
section 39.

20. In section 39 of the said Act,—

(a) for the words “an elected Councillor” the words “a Councillor” shall be substituted;

(b) the words beginning with “and an appointed Councillor” and ending with “at the time of appointment, determine” shall be omitted;

(c) for the words and figures “or three months, as the case may be, shall commence from the date of the first meeting of the Corporation fixed under section 59 at which a quorum is present” the words and figures “shall be deemed to commence for the purpose of computation of the said term, on the first date of the year in which the first meeting of the Corporation, at which a quorum is present, is held under section 59” shall be substituted;

(d) for the word “fixed” occurring for the second time, the word “held” shall be substituted; and

(e) after the proviso the following proviso shall be added, namely:—

“Provided further that the term of three years of the office of Councillors and Aldermen of the Corporation constituted after the first general election after the commencement of the Calcutta Municipal (Amendment) Act, 1950, shall be deemed to expire on the 31st day of March, 1954.”

XXVIII of 1950.]

(Sections 21—25.)

21. In section 41 of the said Act, the words and figures “or appointed a Councillor under section 36” shall be omitted. Amendment of section 41.

22. In section 43 of the said Act,— Amendment of section 43.

(a) in sub-section (1),—

(i) for the words “an elected Councillor” the words “a Councillor” shall be substituted,

(ii) after the words “or removal” the words, brackets and figures “or where there is a vacancy in the case of a Councillor as referred to in sub-section (1) of section 36” shall be inserted, and

(iii) for the words “may be prescribed” the words “the State Government may prescribe by rules” shall be substituted;

(b) in sub-section (3), for the words “the Councillor or Alderman in whose stead he was elected” the words “the Councillors and Aldermen of the Corporation” shall be substituted; and

(c) sub-section (4) shall be omitted.

West Ben.
Act I of
1947.

23. In section 44 of the said Act, for the words, brackets and figures “the Calcutta Municipal (Amendment) Act, 1947” the words, brackets and figures “the Calcutta Municipal (Amendment) Act, 1950” shall be substituted. Amendment of section 44.

24. In section 45 of the said Act,—

(a) in sub-section (2), after the words “on a date” in the two places in which they occur, the words “or dates” shall be inserted; Amendment of section 45.

(b) in sub-section (3),—

(i) after the words “such date” in the two places in which they occur, the words “or dates” shall be inserted, and

(ii) for the word “three” the word “two” shall be substituted; and

(c) sub-section (4) shall be omitted.

25. In section 59 of the said Act, for the words “as early as conveniently may be in the month of April next following such election” the words and figure “as early as possible after the election of Aldermen under section 9” shall be substituted. Amendment of section 59.

Amend-
ment of
section
131.

26. After sub-section (1) of section 131 of the said Act, the following sub-section shall be inserted, namely:—

“(1a) (a) The Provincial or the State Government of West Bengal may at any time between the commencement and the expiry of the Corporation of Calcutta (Temporary Supersession) Act, 1948, by order, direct that the annual value of lands and buildings of any ward or wards shall be revised by the Executive Officer.

West Ben
Act VIII
of 1948.

(b) Any order made or purported to have been made under the Corporation of Calcutta (Temporary Supersession) Act, 1948 by the Provincial or State Government of West Bengal before the commencement of the Calcutta Municipal (Amendment) Act, 1950, directing the Administrative Officer of the Corporation to revise the annual value of lands and buildings of any ward or wards shall be deemed to be and to have always been an order under clause (a).

(c) Where an order directing the revision of annual value of lands and buildings of any ward or wards is made or deemed to be or to have been made under this sub-section—

(i) the Provincial or the State Government of West Bengal may, by notification in the *Official Gazette*, declare that the annual value of the lands and buildings of any ward revised under such order shall have effect on and from such date and for such period as may be specified in the notification, and

(ii) sub-section (1) and all references to that sub-section in this Act shall apply and be construed as if the annual value of the lands and buildings of any ward revised under such order were the annual value of lands and buildings of such ward revised after the termination of a period of six years and as if the period specified in the notification referred to in paragraph (i) above were a period of six years for which such revised annual value were to have effect.”

Amend-
ment of
section
484.

27. After sub-section (2) of section 484 of the said Act, the following sub-section shall be added, namely:—

“(3) Nothing in sub-sections (1) and (2) shall apply to the making of rules under clause (d) of sub-section (1) of section 20 or under sub-section (2) of section 25 or under section 30 for the first general election after the commencement of the Calcutta Municipal (Amendment) Act, 1950.”

XXVIII of 1950.]

(Section 28.)

28. For Schedule III to the said Act, the following Schedule shall be substituted, namely:—

Substitution of new Schedule for Schedule III.

"SCHEDULE III.

List of Constituencies.

(See sections 8, 20 and 23.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
1	Paramanick Ghat Road, Cossipur Road and Kasinath Dutt Road.	Gun Foundry Road ..	Barrackpore Trunk Road.	The River Hooghly.
2	Kali Charan Ghose Road and Ram Krishna Ghose Road.	Dum Dum Road ..	East Indian Railway	Barrackpore Trunk Road.
3	Gun Foundry Road ..	The Circular Canal ..	Barrackpore Trunk Road.	The River Hooghly.
4	Dum Dum Road ..	Paikpara Raja Manindra Road and Belgachia Road.	East Indian Railway	Barrackpore Trunk Road.
5	Paikpara Raja Manindra Road and Belgachia Road.	The Circular Canal and the New Canal.	East Indian Railway	Barrackpore Trunk Road.
6	The River Hooghly and the Circular Canal.	Sohhabazar Street ..	Chitpur Road Upper and the Chitpur Bridge Approach.	The River Hooghly.
7	The Circular Canal and the Chitpur Bridge Approach.	Ramkanta Bose Street and Bhupendra Bose Avenue.	Cornwallis Street ..	Chitpur Road Upper and the Chitpur Bridge Approach.
8	Ramkanta Bose Street	Grey Street ..	Shanbazar Street and Jatindra Mohon Avenue.	Chitpur Road Upper.
9	Shambazar Street and Bhupendra Bose Avenue.	Grey Street ..	Cornwallis Street ..	Jatindra Mohan Avenue, Shanbazar Street and Bhupendra Bose Avenue.
10	The Circular Canal ..	Ultadingi Road and Grey Street.	The Circular Canal and Circular Road Upper.	Cornwallis Street.
11	Grey Street ..	Durga Charan Mitra Street and Bhim Ghose Lane.	Cornwallis Street ..	Chitpur Road Upper and Hari Ghose Street.

(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
12	Durga Charan Mitra Street and Bhim Ghose Lane.	Beadon Street ..	Cornwallis Street and Hari Ghose Street.	Chitpur Road Upper.
13	Grey Street ..	Beadon Street ..	Circular Road Upper	Cornwallis Street.
14	Ultadingi Road ..	Vivekananda Road ..	The Circular Canal	Circular Road Upper.
15	The New Canal ..	Muraripukur Road and Bagmari Road.	The New Canal and Bagmari Road.	The Circular Canal.
16	Muraripukur Road and Bagmari Road.	Maniktala Main Road	The New Canal ..	The Circular Canal.
17	Sobhabazar Street ..	New 84' C. I. T. Road in Sch. XLIV, Nimtala Ghat Street and Port Commissioners' Road leading to Nimtala Ghat.	Barwaritola Lane, Beniatola Street, Golak Dutt Lane and New C. I. T. 64' Road in Sch. XLIV.	The River Hooghly.
18	Sobhabazar Street and New 84' C. I. T. Road in Sch. XLIV.	Pathuriaghat Street ..	Chitpur Road Upper	Barwaritola Lane, Beniatola Street, Golok Dutt Lane, New 64' C. I. T. Road in Sch. XLIV, Baishnab Charan Sett Street and Prasanna Kumar Tagore Street.
19	Nimtala Ghat Street and the Port Commissioners' Road leading to Nimtala Ghat.	Kali Krishna Tagore Street and Port Commissioners' Road leading to the River Hooghly.	Baishnab Charan Sett Street, Prasanna Kumar Tagore Street and Jadoolal Mullick Road.	The River Hooghly.
20	Beadon Street ..	Vivekananda Road ..	Cornwallis Street ..	Chitpur Road Upper.
21	Vivekananda Road ..	Harrison Road ..	Chittaranjan Avenue	Chitpur Road Upper and Chitpur Road Lower.
22	Vivekananda Road ..	Machubazar Street	Cornwallis Street ..	Chittaranjan Avenue.
23	Harrison Road and Machubazar Street.	Kalutola Street ..	College Street ..	Chittaranjan Avenue and Chitpur Road Lower.
24	Kali Krishna Tagore Street and Port Commissioners' Road leading to the River Hooghly.	Cotton Street, Mirbahar Ghat Street and Port Commissioners' Road leading to the River Hooghly.	Kalakar Street and Jogendra Kaviraj Row.	Clive Street and the River Hooghly.

XXVIII of 1950.]

(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
25	Pathuriaghat Street ..	Cotton Street ..	Chitpur Road Upper	Kalakar Street, Jogendra Kavi- raj Row and Jadoolal Mullick Road.
26	Cotton Street, Mirbahar Ghat Street and Port Commissioners' Road leading to the River Hooghly.	Canning Street and a line drawn from the western extremity of Canning Street to the River Hooghly.	Chitpur Road Lower and Clive Street.	The River Hooghly.
27	Beadon Street ..	Kailash Bose Street and Vivekananda Road.	Amherst Street and Circular Road Upper.	Cornwallis Street.
28	Kailash Bose Street and Mohendra Sree- many Street.	Keshab Chandra Sen Street.	Circular Road Upper.	Cornwallis Street
29	Keshab Chandra Sen Street.	Mirzapore Street ..	Amherst Street ..	College Street.
30	Keshab Chandra Sen Street.	Mirzapore Street ..	Circular Road Upper.	Amherst Street.
31	Vivekananda Road ..	Gas Street and Mohendra Sreemany Street.	The Circular Canal	Circular Road Upper and Amherst Street.
32	Maniktala Main Road and Kankurgachi Road.	Narikeldanga Main Road.	Kankurgachi Road	The Circular Canal.
33	Maniktala Main Road	Narikeldanga Main Road and Kankur- gachi Road.	The New Canal ..	Kankurgachi Road.
34	Gas Street ..	Beliaghata Road ..	The Circular Canal	Circular Road Upper and Circu- lar Road Lower.
35	Narikeldanga Main Road and Beliaghata Main Road.	The Beliaghata Canal	Rashmoni Bazar Road and Raja Rajendra Lal Mitter Road.	The Circular Canal.
36	Narikeldanga Main Road.	The Beliaghata Canal and Beliaghata Main Road.	The New Canal ..	Rashmoni Bazar Road and Raja Rajendra La- Mitter Road.

(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
37	Canning Street and a line drawn from the western extremity of Canning Street to the River Hooghly.	New C.I.T. 60' Road joining Chitpur Road Lower and Brabourne Road, Dalhousie Square (North), Fairlie Place and a line drawn in continuation of Fairlie Place to the River Hooghly.	Chitpur Road Lower and Brabourne Road.	Netaji Subhas Road and the River Hooghly.
38	Dalhousie Square (North), Fairlie Place and a line drawn in continuation of Fairlie Place to the River Hooghly.	Lawrence Road and Esplanade West.	Government Place East, Old Court House Street, Dalhousie Square East and Netaji Subhas Road.	The River Hooghly.
39	New C.I.T. 60' Road joining Chitpur Road Lower and Brabourne Road.	Esplanade East ..	Bentinck Street and Chitpur Road Lower.	Government Place East, Old Court House Street, Dalhousie Square East and Brabourne Road.
40	Kalutolla Street ..	Bowbazar Street ..	College Street ..	Chitpur Road Lower.
41	Bowbazar Street ..	Dharamtala Street ..	Wellington Street ..	Bentinck Street.
42	Mirzapore Street ..	Bowbazar Street ..	Amherst Street ..	College Street.
43	Mirzapore Street ..	Bowbazar Street ..	Circular Road Upper	Amherst Street.
44	Bowbazar Street ..	Dharamtala Street ..	Sasi Bhusan Dey Street and Gokul Boral Street.	Wellington Street.
45	Bowbazar Street ..	Dharamtala Street ..	Circular Road Lower	Sasi Bhusan Dey Street and Gokul Boral Street.
46	Beliaghata Road ..	Christopher Road and Dr. Suresh Sarkar Road.	East Indian Railway	Dr. Suresh Sarkar Road and Circular Road Lower.
47	Beliaghata Road and the Circular Canal.	Christopher Road and Kankurgachi Chord.	Kankurgachi Chord, the Belaghata Canal and the Circular Canal.	East Indian Railway.
48	The Belaghata Canal	Christopher Road, Tangra Road South and Pagladanga Road.	Pagladanga Road, Tangra Road South and Topsia Road North.	Kankurgachi Chord.
49	Dharamtala Street ..	Kyd Street and Marquis Street.	Wellesley Street and Free School Street.	Chowringhee Road.

XXVIII of 1950.]

(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
50	Dharamtala Street ..	European Asylum Lane, Taltala Lane, Dedarbakh Lane and Wellesley Square.	Circular Road Lower	Wellesley Street.
51	European Asylum Lane, Taltala Lane, Dedarbakh Lane, Wellesley Square and Marquis Street.	Ripon Street ..	Circular Road Lower	Wellesley Street and Free School Street.
52	Kyd Street and Ripon Street.	Theatre Road, Short Street and Park Street.	Free School Street, Circular Road Lower, Rawdon Street and Wood Street.	Chowringhee Road.
53	Theatre Road, Short Street and Park Street.	Circular Road Lower	Circular Road Lower	Chowringhee Road, Wood Street and Rawdon Street.
54	Dr. Suresh Sarkar Road	Bijli Road, Linton Street and Boniapukur Road.	Dr. Suresh Sarkar Road, Linton Street, Hatibagan Road North and Crematorium Street.	Circular Road Lower.
55	Dr. Suresh Sarkar Road, Christopher Road and Linton Street.	Park Street and Gorachand Road.	East Indian Railway and Kankurgachi Chord.	Hatibagan Road North, Linton Street, Jannagar Road, Gorachand Road and Darga Road.
56	Christopher Road ..	Tiljala Road and Topsia Road South.	Hughes Road and Topsia Road South.	East Indian Railway and Kankurgachi Chord.
57	Bijli Road, Boniapukur Road and Gorachand Road.	Circus Avenue and Park Street.	Darga Road, Gorachand Road and Jannagar Road.	Circular Road Lower and Crematorium Street.
58	Circular Road Lower and Circus Avenue.	Hazra Road ..	Old Ballygunge Road and Syed Amir Ali Avenue.	Lansdowne Road.
59	Park Street, Tiljala Road and Topsia Road South.	Bondel Road, Tiljala Masjidbari Street and Topsia Road.	Topsia Road, Topsia Road South and East Indian Railway.	Old Ballygunge Road and Syed Amir Ali Avenue.
60	Bondel Road and Broad Street.	East Indian Railway	East Indian Railway	Gariahat Road.
61	Hazra Road ..	Rash Behari Avenue	Gariahat Road ..	Lansdowne Road.

(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency—			
	On the North.	On the South.	On the East.	On the West.
62	Rash Behari Avenue and Southern Avenue.	East Indian Railway	Gariahat Road ..	Russa Road and Lansdowne Road.
63	Hazra Road ..	Southern Avenue ..	Lansdowne Road ..	Russa Road.
64	Rash Behari Avenue ..	Circular Road, Tolly- gunge.	Russa Road ..	Tolly's Nullah.
65	Hazra Road and Mahim Halder Street.	Rash Behari Avenue	Russa Road and Kalighat Road.	Tolly's Nullah.
66	Kalighat Road and Balaram Bose Ghat Road.	Hazra Road and Mahim Halder Street.	Russa Road ..	Kalighat Road and Tolly's Nullah.
67	Paddapukur Road ..	Hazra Road ..	Lansdowne Road ..	Russa Road and Ashutosh Mu- kherjee Road.
68	Circular Road Lower ..	Paddapukur Road ..	Lansdowne Road ..	Ashutosh Mu- kherjee Road and Chowrin- ghee Road.
69	Circular Road Lower ..	Kalighat Road and Balaram Bose Ghat Road.	Ashutosh Mukherjee Road and Chow- ringhee Road.	Tolly's Nullah and Zeerut Bridge Approach.
70	Tolly's Nullah ..	Burdwan Road, Ali- pore Road, Chetla Hat Road and Judges Court Road.	Tolly's Nullah and Gopalnagar Road.	Diamond Harbour Road and Kidderpore Bridge Appro- ach.
71	Burdwan Road, Alipore Road, Chetla Hat Road and Judges Court Road.	Circular Road, Tolly- gunge and the Northern Boundary of South Suburban Municipality up to the point where it meets Diamond Har- bour Road.	Tolly's Nullah ..	Gopalnagar Road and Diamond Harbour Road.
72	Circular Garden Reach Road, Harabas Road and Ekbalpore Lane.	Goragacha Road ..	Diamond Harbour Road and Dock Eastern Boundary Road.	Hide Road.
73	Circular Garden Reach Road.	Ekbalpore Lane and Harabas Road.	Diamond Harbour Road.	Dock Eastern Bo- undary Road.

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(Section 28.)

1 No. of the constitu- ency.	2 Boundaries of the constituency--			
	On the North.	On the South.	On the East	On the West.
74	Clyde Row, Strand Road and a line drawn in continuation of the South Side of Strand Road to the River Hooghly and the River Hooghly.	Circular Garden Reach Road.	St. George's Gate Road, Kidderpore Bridge Approach and Circular Garden Reach Road.	The River Hooghly and a line drawn along the East side of Kidderpore Dock No. 1 from Circular Garden Reach Road to the River Hooghly.
75	The River Hooghly ..	South Suburban Municipality and Garden Reach Municipality.	Diamond Harbour Road, Goragacha Road, Hide Road, Circular Garden Reach Road and a line drawn along the east side of Kidderpore Dock No. 1 from Circular Garden Reach Road to the River Hooghly.	Garden Reach Municipality."

West Bengal Act XXIX of 1950

THE INDIAN REGISTRATION (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, of the 20th April, 1950.]

An Act further to amend the Indian Registration Act, 1908 in its application to West Bengal.

XVI of
1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 in its application to West Bengal for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Registration (West Bengal Amendment) Act, 1950. Short title and extent.
(2) It extends to the whole of West Bengal.

2. The Indian Registration Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be further amended for the purpose and in the manner hereinafter provided. Application of Act.

3. After section 55 of the said Act the following new section shall be inserted, namely:— Insertion of new section 55A in Act XVI of 1908.

“55A. Notwithstanding anything contained in any other law for the time being in force, copies made by photography of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in

Photographic copies of books and indexes to be as good as original books and indexes in certain cases.

districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947 have fallen partly within West Bengal and partly within East Bengal, shall for the purposes of this Act be deemed to have taken the place of and to be the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.”

10 & 11,
Geo. VI,
c. 30.

West Bengal Act XXX of 1950

THE WEST BENGAL STATE LAWS (EXTENSION TO COOCH BEHAR) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette* of the 20th April, 1950.]

An Act to provide for the extension of certain laws to Cooch Behar.

WHEREAS it is expedient to provide for the extension of certain laws to the territories comprised in the merged State of Cooch Behar (in this Act referred to as Cooch Behar);

It is hereby enacted as follows:—

1. This Act may be called the West Bengal State Laws (Extension to Cooch Behar) Act, 1950. Short title.

2. (1) The Acts specified in the Schedule are hereby extended to, and shall be in force in, Cooch Behar. Extension of laws.

(2) All rules, orders, regulations, by-laws, delegations and appointments made, all notifications, directions and instructions issued, all forms prescribed and all schemes and instruments framed or executed under the Acts specified in the Schedule shall, as far as may be, apply to Cooch Behar.

3. If immediately before the commencement of this Act there is in force in Cooch Behar an Act, Ordinance, Regulation or other law corresponding to an Act specified in the Schedule, such corresponding law shall upon the commencement of this Act stand repealed. Repeal of corresponding laws.

4. (1) The repeal by section 3 of any corresponding law in force in Cooch Behar immediately before the commencement of this Act shall not affect— Savings.

(a) the previous operation of any such law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1) anything done or any action taken including any rule, order, regulation, by-law, delegation or appointment made, any notification, direction or instruction issued, any form prescribed,

2 *The West Bengal State Laws (Extension to Cooch Behar) Act, 1950.*

[West Ben. Act XXX of 1950.]

(Sections 5, 6 and the Schedule.)

any scheme or instrument framed or executed, any certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Act as now extended to Cooch Behar, and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Powers of Courts and other authorities for purposes of facilitating application of laws.

5. For the purpose of facilitating the application of any Act specified in the Schedule any Court or other authority may construe such Act with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority.

Removal of difficulties.

6. If any difficulty arises in giving effect to any provisions of this Act or of any Act extended to Cooch Behar by this Act the State Government, as occasion may require, may by order do anything which appears to the State Government to be necessary for the purpose of removing the difficulty.

The Schedule.

[See section 2 (1).]

Year.	Number.	Short title.
(1)	(2)	(3) Acts.
1919	IV	The Bengal Primary Education Act, 1919.
1930	VI	The Bengal Criminal Law Amendment Act, 1930.
1930	VII	The Bengal (Rural) Primary Education Act, 1930.
1940	XXI	The Bengal Co-operative Societies Act, 1940.
1948	XIII	The West Bengal Factories and Mines (Control of Dismantling) Act, 1948.
1948	XXXII	The West Bengal Black Marketing Act, 1948.

West Bengal Act XXXI of 1950

THE BENGAL JUTE REGULATION (WEST BENGAL REPEALING) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of
the 27th April, 1950.]

*An Act to repeal the Bengal Jute Regulation Act, 1940 and
the Bengal Jute Regulation (West Bengal Amendment)
Act, 1948*

Ben. Act
V of 1940.
West
Ben.
Act XVI
of 1948.

WHEREAS it is expedient to repeal the Bengal Jute Regu-
lation Act, 1940 and the Bengal Jute Regulation (West
Bengal Amendment) Act, 1948;

It is hereby enacted as follows:—

1. This Act may be called the Bengal Jute Regulation Short title.
(West Bengal Repealing) Act, 1950.

2. The Bengal Jute Regulation Act, 1940 and the
Bengal Jute Regulation (West Bengal Amendment) Act,
1948 are hereby repealed.

Repeal of
Bengal Act
V of 1940
and West
Bengal Act
XVI of
1948.

West Bengal Act XXXII of 1950

THE WEST BENGAL PUBLIC GAMBLING (PENALTIES ENHANCEMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 27th April, 1950.]

An Act to enhance the penalties provided by law for the punishment of certain offences relating to wagering or betting upon a horse-race.

WHEREAS it is expedient to enhance the penalties provided by law for the punishment of certain offences relating to wagering or betting upon a horse-race;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Public Gambling (Penalties Enhancement) Act, 1950. Short title.

XXI of
1857.
Ben. Act
IV of 1866.
Ben. Act
II of 1867.

2. (1) Whoever commits an offence punishable under section 10 of the Howrah Offences Act, 1857, or under section 44 of the Calcutta Police Act, 1866, or under section 3 of the Bengal Public Gambling Act, 1867, relating to wagering or betting upon a horse-race may, in lieu of any punishment to which he is liable under the said sections, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both. Punish-
ment for
offences of
illegal
wagering
or betting
upon a
horse-race.

(2) Whoever having been convicted for an offence specified in sub-section (1) shall be guilty of any such offence, shall, notwithstanding anything contained in the Act under the provisions of which he is so convicted, be punishable for every such subsequent offence with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

3. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for any Magistrate of the first class and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of any offence which has been made punishable with enhanced fine by this Act. Saving.

Price—Indian, annas 2; English, 3d.

West Bengal Act XXXIII of 1950

THE BENGAL CO-OPERATIVE SOCIETIES (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 28th April, 1950.]

An Act further to amend the Bengal Co-operative Societies Act, 1940.

Ben. Act
XXI of
1940.

WHEREAS it is expedient further to amend the Bengal Co-operative Societies Act, 1940, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Co-operative Societies (West Bengal Amendment) Act, 1950.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. To section 73 of the Bengal Co-operative Societies Act, 1940, the following proviso shall be added, namely:—

Amend-
ment of
section 73
of Ben. Act
XXI of
1940.

“Provided that where the transfer of such share or interest is not possible within a reasonable time from the date on which the order directing the winding up of the society takes effect, the value, determined in accordance with the rules, of such share or interest, may, with the previous approval of the Registrar, be set off by the liquidator against any sum which is due by the society being wound up, to the co-operative society with limited liability of which such society is a member.”

Price—Indian, annas 2; English, 3d.

West Bengal Act XXXIV of 1950

THE BENGAL MINING SETTLEMENTS (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 28th April, 1950.]

An Act further to amend the Bengal Mining Settlements Act, 1912.

Ben. Act
II of
1912.

WHEREAS it is expedient to increase the number of members constituting a Mines Board of Health appointed under section 3 of the Bengal Mining Settlements Act, 1912, with a view to securing adequate representation on such Board, of different interests connected with mining settlements;

AND WHEREAS it is necessary to enlarge the scope of the measures taken under section 5 of that Act;

AND WHEREAS it is further necessary for the State Government to exercise due control on the activities of a Mines Board of Health;

AND WHEREAS it is expedient further to amend the Bengal Mining Settlements Act, 1912, for the purposes aforesaid;

It is hereby enacted as follows:—

1. This Act may be called the Bengal Mining Settlements (West Bengal Amendment) Act, 1950. Short title.

2. In sub-section (1) of section 3 of the Bengal Mining Settlements Act, 1912 (hereinafter referred to as the said Act), for the word “nine” the word “fourteen” shall be substituted. Amendment of section 3 of Bengal Act II of 1912.

3. In clause (a) of sub-section (3) of section 5 of the said Act,— Amendment of section 5.

(1) the word “and” occurring after sub-clause (ii) shall be omitted, and

(2) after sub-clause (iii) the following shall be added, namely:—

“(iv) to provide for medical relief to residents; and”.

4. In sub-section (1) of section 11A of the said Act,— Amendment of section 11A.

(1) the word “and” occurring after clause (x) shall be omitted,

(2) clause (xi) shall be re-numbered as clause (xii), and

(3) after clause (x) the following shall be added, namely:—

“(xi) providing for medical relief to residents of the mining settlement; and”.

*2 The Bengal Mining Settlements (West Bengal
Amendment) Act, 1950.*

[West Ben. Act XXXIV of 1950.]

(Section 5.)

**Insertion
of new
section
18A.**

5. After section 18 of the said Act the following section shall be inserted, namely:—

“18A. A Mines Board of Health shall comply with all such directions as may be given to it from time to time by the State Government.”

West Bengal Act XXXV of 1950

THE BENGAL MOTOR VEHICLES TAX (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 4th May, 1950.]

An Act further to amend the Bengal Motor Vehicles Tax Act, 1932.

Ben. Act I of 1932. WHEREAS it is expedient further to amend the Bengal Motor Vehicles Tax Act, 1932, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1950. Short title.

2. (1) In the First Schedule to the Bengal Motor Vehicles Tax Act, 1932,— Amendment of the First Schedule to Bengal Act I of 1932.

(a) under sub-heading “II.—Vehicles for carrying passengers not plying for hire.” the following item and proviso shall be added, namely:—

“(d) If used for drawing a trailer in addition to the tax payable under (a) to (c), for each trailer: Fifty rupees.

Provided that, if one trailer is used with more than one vehicle, only one tax shall be chargeable under (d) in respect of such trailer for all such vehicles”; and

(b) under sub-heading “III.—Vehicles for carrying passengers plying for hire.” the following item and proviso shall be added, namely:—

“(d) If used for drawing a trailer in addition to the tax payable under (a) to (c) for each trailer: Fifty rupees. Fifty rupees.

Provided that, if one trailer is used with more than one vehicle, only one tax shall be chargeable under (d) in respect of such trailer for all such vehicles.”

[West Ben. Act XXXV of 1950.]

(Section 2.)

(2) A tax imposed in consequence of the additions made under sub-heading II and sub-heading III of the First Schedule by sub-section (1), shall be deemed to have been imposed as from the first day of April, 1949:

Provided that any such tax paid before the first day of April, 1949, shall be deemed to have been validly paid.



मृत्युमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XXXVI of 1950

**The West Bengal
Drugs (Control) Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 2; English, 3d.

West Bengal Act XXXVI of 1950

THE WEST BENGAL DRUGS (CONTROL) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
of the 4th May, 1950.]

*An Act to provide for the control of the sale, supply and
distribution of drugs.*

WHEREAS it is expedient to provide for the control of the
sale, supply and distribution of drugs;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Drugs
(Control) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force im-
mediately on the West Bengal Drugs (Control) Ordinance,
1949, ceasing to operate.

Short
title,
extent
and com-
mence-
ment.

2. (1) In this Act, unless there is anything repugnant
in the subject or context,—

(a) “dealer” means a person carrying on, either
personally or through any other person, the busi-
ness of selling any drugs, whether wholesale or
retail;

(b) “drug” means any drug, as defined in clause (b) of
section 3 of the Drugs Act, 1940, in respect of
which a declaration has been made under section
3;

(c) “offer for sale” includes a reference to an intimation
by a person of the price proposed by him for a
sale of any drug, made by the publication of a
price list, by exposing the drug for sale in
association with a mark indicating price, by the
furnishing of a quotation or otherwise howsoever;

(d) “producer” includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a
person—

(i) when it is held on behalf of that person by another
person;

(ii) notwithstanding that it is mortgaged to another
person.

Inter-
preta-
tion.

3. The State Government may, by notification in
the *Official Gazette*, declare any drug to be a drug to which
this Act shall apply.

Drugs to
which this
Act
applies.

4. (1) The State Government may, by notification in
the *Official Gazette*, fix in respect of any drug—

(a) the maximum price or rate which may be charged
by a dealer or producer;

(b) the maximum quantity which may at any one time
be possessed by a dealer or producer;

Fixing of
maximum
prices and
maximum
quantities
which
may be
held or
sold.

West Ben.
Ord. VIII
of 1949.

XXIII of
1940.

(Sections 5—9.)

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

Restric-
tions on
sale, etc.,
where
maximum
is fixed
under
section 4.

5. No dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

General
limitation
on quan-
tity which
may be
possessed
at one
time.

6. (1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the State Government may, by order published in the *Official Gazette*, specify for the purpose:

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

Duty to
declare
possession
of
excess
stocks.

7. Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the State Government or other officer empowered in this behalf by the State Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the State Government may direct.

Refusal
to sell.

8. No dealer or producer shall, unless previously authorised to do so by the State Government, without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

Cash me-
moran-
dum to be
given of
certain
sales.

9. (1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the particulars to be contained in any such cash memorandum.

XXXVI of 1950.]

(Sections 10—12.)

(3) The State Government may, by notification in the *Official Gazette*, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. (1) The State Government may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

Marking of prices and exhibiting price list.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

Obligation to state price separately on composite offer.

12. (1) If in the opinion of the State Government it is necessary or expedient so to do, it may by order in writing—

Prohibition of sale, etc., and requisitioning of drugs.

- (a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;
- (b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;
- (c) requisition any drug (whether at the place of import or at any other place);

and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this sub-section.

(2) Where the State Government has requisitioned any drug under sub-section (1), it may use or deal with the drug in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof, or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the *Official Gazette* a notice stating that the State Government has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the drug or published in the *Official Gazette* under sub-section (2), then at the beginning of the day on which the notice is so served or published, the drug shall vest in the State free from any encumbrance and the requisition thereof shall be deemed to have ended.

(Sections 13—15.)

(4) Whenever in pursuance of this section, the State Government requisitions or acquires any drug, the State Government shall pay to the owner thereof such amount as compensation as in the opinion of the State Government fairly represents the loss caused to the owner by such requisition or acquisition.

(5) The State Government may, with a view to requisitioning any drug under sub-section (1) or determining the compensation payable under sub-section (4), by order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the drug as may be so specified;
- (b) direct that the owner of the drug shall not, without the permission of the State Government, dispose of it till the expiry of such period as may be specified in the order.

Penalties.

13. (1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the State.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

Offences by corporations.

14. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Procedure.

15. (1) No person other than a police officer of or above the rank of an Inspector of Police or an officer other than a police officer, authorised in this behalf by the State Government by notification in the *Official Gazette*, shall investigate any offence under this Act.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in the Presidency town of Calcutta, of the Commissioner of Excise, West Bengal, and elsewhere, of the District Magistrate.

XXXVI of 1950.]

(Sections 16--20.)

16. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of drugs in respect of which the offence has been or is being committed.

Powers of search and seizure.

17. (1) The State Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them;
- (b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer;
- (c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other laws.

20. Any rule, order, declaration, requisition or acquisition made, any notification or direction issued, any proceedings commenced, any compensation or punishment awarded, any action taken, and anything done in exercise of any power conferred by or under the West Bengal Drugs (Control) Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, awarded, taken or done in exercise of powers conferred by or under this Act as if this Act had commenced on the 3rd day of October, 1949.

Savings and validation.

West Ben.
Ord. VIII
of 1949.



मृत्युमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XXXVII of 1950

**The West Bengal Secondary
Education Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 8; English, 10d.

THE WEST BENGAL SECONDARY EDUCATION ACT, 1950.

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West Bengal Act XXXVII of 1950

THE WEST BENGAL SECONDARY EDUCATION ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 18th May, 1950.]

*An Act to provide for the regulation, control and development
of Secondary Education in West Bengal.*

WHEREAS it is expedient to provide for the regulation, control and development of Secondary Education in West Bengal; Preamble.

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Secondary Education Act, 1950.

Short
title,
extent
and com-
mence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Def
initions.

- (a) "Board" means the Board of Secondary Education established under this Act;
- (b) "by-law" means a by-law made by the Board under this Act;
- (c) "Education Department" means the Department of Education of the State Government;
- (d) "Education Directorate" means the Directorate of Education of the State Government;
- (e) "Executive Council" means the Executive Council of the Board constituted under this Act;
- (f) "Headmaster" means the head of the teaching staff of a High School, by whatsoever name he may be designated;
- (g) "Headmistress" means the head of the teaching staff of a High School for girls, by whatsoever name she may be designated;
- (h) "High School" means a school or department of a school giving instruction in Secondary Education;
- (i) "Managing Committee" used in reference to High Schools or other educational institutions includes the Governors or the Governing Body of such High Schools or educational institutions;
- (j) "notification" means a notification published in the *Official Gazette*;

(Chapter II.—The Board.—Section 3.)

- (k) "President" means the President of the Board;
- (l) "Primary Education" means education imparted in a Primary School as defined in any Bengal Act or West Bengal Act or education equivalent thereto;
- (m) "recognised", with its grammatical variations, used with reference to schools, means recognised by the Executive Council, under section 37, or, prior to the first meeting of the Executive Council, by any of the two following authorities, namely:—
 - (i) the University of Calcutta,
 - (ii) the Education Department,
 whichever is appropriate in the particular case;
- (n) "regulation" means a regulation made by the Board under this Act;
- (o) "rule" means a rule made by the State Government under this Act;
- (p) "Secondary Education" means education suitable to the requirements of all pupils who have completed Primary Education and have not qualified for admission to a certificate, diploma or degree course instituted by a University or by Government, and includes—
 - (i) general education,
 - (ii) technical education,
 - (iii) industrial education,
 - (iv) agricultural education,
 - (v) commercial education,
 - (vi) education for the physically handicapped,
 - (vii) education of the mentally retarded and defectives,
 - (viii) education in Reformatory schools and jails, and
 - (ix) such other types of vocational and special education as the State Government may with the concurrence of the Board direct:

Provided that the State Government may with the concurrence of the Board by notification declare any of the types of education referred to in sub-clauses (ii) to (ix) not to be Secondary Education for the purposes of this Act, and may in like manner cancel any such declaration.

CHAPTER II.

THE BOARD.

Establishment and incorporation of the Board of Secondary Education.

3. (1) The State Government shall establish a Board for the regulation, control and development of Secondary Education in accordance with the provisions of this Act.

(2) The Board shall, by the name of the "Board of Secondary Education", be a body corporate with perpetual succession and a common seal, shall have, subject to the

(Chapter II.—The Board.—Section 4.)

rules made by the State Government, power to acquire and hold movable and immovable property, to transfer such property when held by it, to contract, and to do all other things necessary for the purposes of this Act, and shall by the said name sue and be sued.

4. The Board shall consist of the following members:—

Composi-
tion of the
Board.

- (1) the President, *ex-officio*;
- (2) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (3) the Director of Public Instruction, *ex-officio*;
- (4) the Director of Industries, *ex-officio*;
- (5) the Director of Agriculture, *ex-officio*;
- (6) the Director of Health Services, *ex-officio*;
- (7) the Youth Welfare Officer, *ex-officio*;
- (8) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (9) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (10) three officers of the Education Department appointed by the State Government;
- (11) eight persons elected by the Senate of the University of Calcutta:
Provided that of the eight persons elected under this clause not less than five shall be Principals or Professors of Colleges affiliated to, or Professors or Teachers of, the said University;
- (12) three Headmasters of recognised High Schools for boys elected in the manner prescribed by regulations by the Headmasters of such schools;
- (13) one Headmistress of recognised High Schools for girls elected in the manner prescribed by regulations by the Headmistresses of such schools;
- (14) two men teachers of recognised High Schools for boys elected in the manner prescribed by regulations by the teachers of such schools;
- (15) one woman teacher of recognised High Schools for girls elected in the manner prescribed by regulations by the teachers of such schools;
- (16) three members of Managing Committees of recognised High Schools elected in the manner prescribed by regulations by the members of such Managing Committees;
- (17) two persons elected in the manner prescribed by regulations by District School Boards established under the Bengal (Rural) Primary Education Act, 1930;
- (18) three representatives of the State Legislative Assembly elected in the manner prescribed by rules by and from the Members thereof;

(Chapter II.—The Board.—Sections 5—7.)

- (19) one person elected in the manner prescribed by rules by the members of the West Bengal Board of Anglo-Indian Education;
- (20) one person elected in the manner prescribed by regulations by the members of the Board of Technical Education;
- (21) one person elected in the manner prescribed by regulations by the members of the *Samsad* of *Visvabharati*;
- (22) four persons having special or technical knowledge from the education standpoint in agriculture, industry and commerce, medicine, and teaching, co-opted in the manner prescribed by regulations by the members referred to in clauses (1) to (21); and
- (23) two women having special knowledge of women's education, co-opted in the manner prescribed by regulations by the members referred to in clauses (1) to (21).

Appoint-
ment in
default of
election.

5. (1) If by such date as may be prescribed by rules any electoral body specified in section 4 fails to make an election under that section, the State Government shall by notification call upon such electoral body to make the election within a period to be specified in such notification, and if the said electoral body fails to make the election within the period so specified, the State Government shall, in any vacancy resulting from such failure, appoint a suitable person qualified for election by that body:

Provided that, where such body is the State Legislative Assembly and where the said Assembly has been dissolved, the State Government shall appoint such suitable person as it thinks fit to hold office until the said Assembly is reconstituted and three representatives are elected by the Members thereof.

(2) A person appointed under this section shall be deemed to be a member of the Board duly elected under section 4.

Publi-
cation of
the names
of the
members
of the
Board.

6. The name of every person elected, appointed or co-opted as a member of the Board shall be published by notification by the State Government as soon as may be after his election, appointment or co-option, as the case may be.

Appoint-
ment,
term of
office and
salary of
the Pre-
sident.

7. (1) During five years from the establishment of the Board, the State Government shall appoint any person it thinks fit as the President; and thereafter the President shall be appointed by the State Government from a panel of four persons elected by the Board in the manner prescribed by regulation.

(2) The term of office of the first President shall be five years; and the term of office of a President appointed from a panel as aforesaid shall be four years.

(Chapter II.—The Board.—Sections 8, 9.)

(3) Notwithstanding anything contained in sub-section (2), a President appointed to fill a vacancy occurring before the expiry of the term of office of another President, shall hold office for the residue of such term.

(4) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in clauses (a) to (d) and in clause (f) of sub-section (1) of section 9.

(5) The President may resign his office by giving notice in writing to the State Government.

(6) the President shall receive such salary and allowances, if any, from the Secondary Education Fund as the State Government may determine.

8. (1) Subject to the provisions of this Act, an elected, appointed or co-opted member of the Board, shall hold office for a term of four years from the date on which his name is published by notification under section 6, and may, on expiration of such term, be re-elected, re-appointed or again co-opted.

Term of office of elected, appointed or co-opted members of the Board.

(2) Notwithstanding the expiration of the term of four years specified in sub-section (1), an elected, appointed or co-opted member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

9. (1) A person shall not be eligible for election, appointment or co-option as a member of the Board if he—

Disqualifications for membership.

- (a) has been adjudged by a competent Court to be of unsound mind;
- (b) is an undischarged insolvent;
- (c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part;
- (d) has been convicted by a Court for an offence which is declared by the State Government to be an offence involving moral turpitude, unless the offence of which he was convicted has been pardoned or unless five years have elapsed since the date of his conviction;
- (e) does not possess the qualifications requisite for election, appointment or co-option, as the case may be; or
- (f) has not paid any sum certified by an auditor under section 49 to be due from him in a certificate which has not been set aside or, if such certificate has been modified under section 51, has not paid the sum shown in the modified certificate to be due from him.

(Chapter II.—The Board.—Sections 10—13.)

(2) The election, appointment or co-option of a person who is, at the date of his election, appointment or co-option, subject to any of the disqualifications specified in sub-section (1), shall be invalid.

(3) If an elected, appointed or co-opted member of the Board becomes after his election, appointment or co-option subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease.

Disputes
relating to
elections.

10. (1) If any question arises relating to the eligibility of any person for election, appointment or co-option as a member of the Board or to the manner in which such election is held or such appointment or co-option is made or to the eligibility of a member of the Board to retain his seat, such question shall be referred for decision to a Tribunal consisting of three persons who are or have been judicial officers not inferior in rank to a District Judge, appointed by the State Government, one of whom shall be appointed by the State Government as President of the Tribunal.

(2) The procedure followed by the Tribunal shall be such as may be prescribed by rules.

(3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceedings shall lie in any Court in respect of any question which may be referred to or decided by the Tribunal under that sub-section.

Resigna-
tion and
removal
of mem-
bers.

11. (1) An elected, appointed or co-opted member of the Board may resign his seat by giving notice in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, remove any elected, appointed or co-opted member of the Board who, without the consent of the Board, fails to attend three consecutive meetings of the Board.

Casual
vacancies.

12. When the seat of an elected, appointed or co-opted member of the Board becomes vacant by reason of his disqualification, resignation, removal or death, the vacancy shall be filled by election, appointment or co-option, as the case may be, in the manner provided in section 4, and the member so elected, appointed or co-opted shall, subject to the provisions of sections 9 and 11, retain his seat for the residue of the term of office of the member in whose place he is elected, appointed or co-opted.

Temporary
and acting
arrange-
ments for
the office
of the
President.

13. (1) If the President is, by reason of leave, illness or other cause, temporarily unable to exercise the powers or perform the duties of his office, the Board shall forthwith report such fact to the State Government and the Vice-President, or if the Vice-President is likewise unable or there is a vacancy in the office of the Vice-President, a member appointed by the State Government in this behalf, shall exercise the powers and perform the duties of the office of the President.

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(Chapter II.—The Board.—Sections 14—17.)

(2) If any vacancy occurs in the office of the President by reason of his resignation, disqualification, death or the expiration of his term of office, the Vice-President, or if there is a vacancy in the office of the Vice-President, a person appointed by the State Government in this behalf, shall act as President, until a new President is appointed or until the expiration of six months from the date of the vacancy in the office of the President, whichever is earlier.

(3) A person appointed to act under sub-section (2) as President shall, during the period of such appointment, exercise all the powers and perform all the duties conferred or imposed upon the President by or under this Act.

14. (1) The Board shall, as soon as may be after its establishment and thereafter at each annual meeting, elect one of its members to be the Vice-President. Election of Vice-President.

(2) The Vice-President shall hold office until the annual meeting next following his election and shall be re-eligible for election.

(3) If a vacancy occurs in the office of the Vice-President during the term of his office, another member of the Board shall be elected as Vice-President for the residue of such term.

(4) The Vice-President may resign his office by giving notice in writing to the President, and when such resignation is accepted by the Board, the Vice-President shall be deemed to have vacated his office.

15. The President, or in his absence the Vice-President, or in the absence of both the President and the Vice-President, one member elected from among those present, shall preside at every meeting of the Board, and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes. Conduct of meetings.

16. Subject to such conditions as may be prescribed by regulations, the President may at any time, by an order in writing, delegate all or any of the powers conferred upon him by or under this Act to the Vice-President, and may in like manner cancel any such order of delegation. Delegation of powers.

17. (1) No member of the Board shall vote on any matter considered by the Board in respect of which (otherwise than in the general application thereof to all High Schools) he has any personal or pecuniary interest or any High School of which he is either a teacher or a member of the Managing Committee, has any pecuniary interest. Restriction on voting.

(2) The member presiding at a meeting of the Board shall decide any question arising under sub-section (1) and his decision shall be final.

(Chapter II.—The Board.—Chapter III.—The Executive Council and the Committees.—Sections 18—21.)

Persons
in the
service
of the
Board.

18. The Board shall appoint a Secretary and such other persons as it considers necessary for the purpose of exercising its powers and performing its duties under this Act, and shall pay the Secretary and such other persons such salaries and allowances as may be determined by regulations and shall also determine by regulations the conditions of their service.

Travelling
and
halting
allow-
ances.

19. Such members of the Board, the Executive Council and any Committee constituted under this Act as are not persons in the service of the State Government and the Secretary and other persons appointed by the Board, shall, in respect of expenses incurred by them in attending meetings of the Board, the Executive Council or any such Committee of the Board or in exercising the powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board travelling allowance and halting allowance at such rates as may be determined by regulations.

CHAPTER III.

THE EXECUTIVE COUNCIL AND THE COMMITTEES.

Executive
Council
and Com-
mittees.

20. The Board shall constitute an Executive Council and the Committees as specified below—

- (a) Girls' Secondary Education Committee;
- (b) Committee for the Secondary Education of the Educationally Backward Classes;
- (c) Finance Committee;
- (d) Recognition and Grants Committee;
- (e) Examinations Committee;
- (f) Syllabus Committee;
- (g) Technical (Commercial and Agricultural) Education Committee;
- (h) Physical Education Committee;
- (i) Appeal Committee.

Consti-
tution of
the
Executive
Council.

21. (1) The Executive Council shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction, *ex-officio*;
- (c) two persons in the service of the State Government appointed by the State Government;
- (d) three persons elected by the Senate of the University of Calcutta, from among the members of the Board specified in clause (11) of section 4;

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*(Chapter III.—The Executive Council and the Committees.—
Section 22.)*

- (e) one representative of the State Legislative Assembly elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (18) of section 4;
- (f) one woman member of the Board elected by the Board in the manner prescribed by regulations;
- (g) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clauses (12) to (15) of section 4;
- (h) one person elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clause (16) of section 4;
- (i) one person elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clause (17) of section 4; and
- (j) three persons elected by the Board in the manner prescribed by regulations from among the members specified in clauses (8) and (9) and clauses (19) to (23) of section 4.

(2) The President shall be the Chairman of the Executive Council.

22. (1) The Girls' Secondary Education Committee shall consist of the following members—

Girls'
Secondary
Education
Com-
mittee.

- (a) the women members of the Board, *ex-officio*;
- (b) two Principals of Government Colleges for women, appointed by the State Government;
- (c) three Principals, elected in the manner prescribed by regulations, by and from the Principals of Colleges for women, not being Government Colleges;
- (d) one woman elected by the West Bengal Board of Anglo-Indian Education in the manner prescribed by rules;
- (e) five women elected by the Board in the manner prescribed by regulations of whom three shall be Headmistresses and two shall be teachers (not being Headmistresses) of recognised High Schools for girls;

Provided that of the three Headmistresses, one shall be the Headmistress of a Government High School for girls; and

- (f) two women co-opted in the manner prescribed by regulations by the members referred to in sub-clauses (a) to (e).

*(Chapter III.—The Executive Council and the Committees.—
Sections 23, 24.)*

(2) The Board shall appoint a member of the Committee to be its Chairman.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to the education of girls in High Schools.

Com-
mittee for
Secondary
Education
of the
Education-
ally Back-
ward
Classes.

23. (1) The Committee for Secondary Education of the Educationally Backward Classes shall consist of the following members—

- (a) six persons who may or may not be members of the Board but who shall be members of the Educationally Backward Classes and of whom at least one shall belong to the tribal people, elected by the Board in the manner prescribed by regulations;
- (b) three members of the Educationally Backward Classes appointed by the State Government;
- (c) two officers of the Education Department, appointed by the State Government, of whom one shall be an officer of the Education Directorate dealing with education of the Educationally Backward Classes.

(2) The Board shall appoint a member of the Committee to be its Chairman.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to the education of members of the Educationally Backward Classes including the tribal people.

(4) The State Government shall from time to time decide which classes of people shall for the purpose of this Act be regarded as members of the Educationally Backward Classes or as belonging to the tribal people, and such decision shall be conclusive and shall not be open to any objection.

24. (1) The Finance Committee shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction or a person in the service of the State Government nominated by him, *ex-officio*;
- (c) four members of the Board, elected by the Board in the manner prescribed by regulations; and
- (d) a person who shall be an expert in financial matters appointed by the State Government.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to prepare the budget of the Board and to perform such other functions as the Board may direct.

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*(Chapter III.—The Executive Council and the Committees.—
Section 25.)*

25. (1) The Recognition and Grants Committee shall consist of the following members—

Recogni-
tion and
Grants
Committee.

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction, *ex-officio*;
- (c) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (d) three persons appointed by the State Government;
- (e) two persons elected by the Senate of the University of Calcutta, of whom one shall be a Principal or a Professor of a College affiliated to the University or a Professor or a Teacher of the said University;
- (f) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clauses (12) to (15) of section 4;
- (g) two members of Managing Committees of recognised High Schools elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (16) of section 4;
- (h) three persons elected by the Board in the manner prescribed by regulations from among the members specified in clauses (8) and (9) and clauses (19) to (23) of section 4:

Provided that of the three persons so elected, one shall be a woman.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to—

- (a) make recommendations to the Executive Council concerning the recognition or withdrawal of recognition of High Schools;
- (b) advise the Executive Council on all matters concerning the recognition of High Schools;
- (c) determine, in accordance with such regulations as may be made in this behalf, the amounts of grants-in-aid to be given to individual High Schools;
- (d) make recommendations to the Executive Council, in accordance with such regulations as may be made in this behalf, concerning the withdrawal of the grants-in-aid from any High School;
- (e) report to the Executive Council—
 - (i) all new grants-in-aid of which amounts have been determined by the Committee;
 - (ii) all changes in the amounts of existing grants-in-aid determined by the Committee;

*(Chapter III.—The Executive Council and the Committees.—
Section 26.)*

(f) advise the Executive Council on all matters concerning grants-in-aid to High Schools:

Provided that the Executive Council may revise any decision of the Committee concerning the amount of any grant-in-aid to be given to a High School, if not less than two-thirds of the members present and voting are in favour of such revision.

Exami-
nations
Com-
mittee.

26. (1) The Examinations Committee shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (c) the Director of Public Instruction, *ex-officio*;
- (d) the Chief Inspector of Women's Education, *ex-officio*;
- (e) the member of the Board specified in clause (19) of section 4;
- (f) the member of the Board specified in clause (20) of section 4;
- (g) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (11) of section 4;
- (h) one woman member of the Board elected by the Board in the manner prescribed by regulations; and
- (i) three members of the Board elected by the Board in the manner prescribed by regulations, of whom at least one shall be a member of the Board specified in clauses (12) to (15) of section 4, and at least one shall be a member of the Board specified in clauses (21) to (23) of section 4.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to arrange for the holding of the examinations referred to in clause (f) of sub-section (1) of section 37 and such duties shall, notwithstanding anything elsewhere contained in this Act, include—

- (a) the appointment of Paper Setters, Moderators, Examiners, Tabulators, Supervisors and Invigilators for such examinations;
- (b) the consideration and determination of the results of such examinations;
- (c) the power to disqualify candidates presenting themselves for examinations for any reason which the Committee considers to be adequate; and
- (d) the fixing of centres for such examinations.

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*(Chapter III.—The Executive Council and the Committees.—
Section 27.)*

(4) The Committee shall make recommendations to the Executive Council concerning—

- (a) the rates of remuneration to be paid to the Paper Setters, Moderators, Tabulators and Examiners for such examinations;
- (b) the fees to be paid by candidates for such examinations;
- (c) the fees (if any) to be paid to any persons connected with the holding of such examinations including the Invigilators and Supervisors of such examinations;
- (d) any matters relating to such examinations which may be referred to it for advice by the Executive Council:

Provided that the Committee shall not make any recommendation on any matter affecting the education of girls in recognised High Schools except upon consideration of a report to be called for from, and submitted by, the Girls' Secondary Education Committee, and on any matter affecting technical, commercial or agricultural education except upon consideration of a report to be called for from, and submitted by, the Technical Education Committee.

(5) The Committee may appoint such Sub-Committees as it considers necessary to advise it upon any matter relating to any examination held by the Executive Council, and it shall not be necessary for any member of such a Sub-Committee to be a member of the Board and/or of the Committee.

27. (1) The Syllabus Committee shall consist of the following members— **Syllabus Committee.**

- (a) the President, *ex-officio*;
- (b) the President of the Council of Post-Graduate Teaching in Arts, University of Calcutta, *ex-officio*;
- (c) the President of the Council of Post-Graduate Teaching in Science, University of Calcutta, *ex-officio*;
- (d) the Head of the Department of Education, University of Calcutta, *ex-officio*;
- (e) the Principal of the David Hare Training College, Calcutta, *ex-officio*;
- (f) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (g) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (h) two Principals of Training Colleges, one of whom shall be a woman, elected by the Executive Council, in the manner prescribed by regulations;

*(Chapter III.—The Executive Council and the Committees.—
Section 27.)*

- (i) four persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (11) of section 4 of whom two shall be Principals or Professors of Colleges affiliated to, or Professors or Teachers of, the University of Calcutta;
- (j) two persons elected by the Board in the manner prescribed by regulations from the members of the Board specified in clauses (12) to (15) of section 4, of whom one shall be a woman;
- (k) two persons elected by the Board in the manner prescribed by regulations, who have special knowledge of scientific and technical education, and who may or may not be members of the Board;
- (l) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board of whom one shall be a woman.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to—

- (a) make recommendations to the Executive Council about the curriculum and syllabus of studies to be followed in recognised High Schools and for examinations referred to in clause (f) of sub-section (1) of section 37;
- (b) advise the Executive Council about the text-books to be used in recognised High Schools and for examinations referred to in clause (f) of sub-section (1) of section 37 and about the publication of such text-books by the Executive Council;
- (c) advise the Executive Council about any matters relating to such curriculum and syllabus and publications as may be referred to it by the Executive Council:

Provided that the Committee shall not make any recommendation on any matters affecting the education of girls in recognised High Schools except upon consideration of a report to be called for from, and submitted by, the Girls' Secondary Education Committee and on any matter affecting technical, commercial or agricultural education except upon consideration of a report to be called for from, and submitted by, the Technical Education Committee.

(4) The Committee may appoint any Sub-Committees as it considers necessary to advise it upon any matter relating to the drawing up of the syllabus of studies and the preparation of text-books and it shall not be necessary for any member of such a Sub-Committee to be a member of the Board or of the Committee.

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*(Chapter III.—The Executive Council and the Committees.—
Sections 28, 29.)*

28. (1) The Technical Education Committee shall consist of the following members— Technical
Education
Com-
mittee.

- (a) the President, *ex-officio*;
- (b) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (c) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (d) the Director of Industries, *ex-officio*;
- (e) the Director of Agriculture, *ex-officio*;
- (f) The Chief Inspector of Technical Education, *ex-officio*;
- (g) two persons belonging to the technical branch of the Defence Services, appointed by the State Government in consultation with the Government of India;
- (h) two persons appointed by the Board who are big employers of skilled or semi-skilled personnel;
- (i) two members of the Board having special or technical knowledge from the educational standpoint in agriculture, industry and commerce, and health, elected by the Board in the manner prescribed by regulations;
- (j) one woman appointed by the Board having special knowledge of arts and crafts having relation to education of girls.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to technical, agricultural and commercial education.

29. (1) The Physical Education Committee shall consist of the following members— Physical
Education
Committee.

- (a) the President, *ex-officio*;
- (b) the Youth Welfare Officer, *ex-officio*;
- (c) the Woman Assistant Youth Welfare Officer, *ex-officio*;
- (d) a person nominated by the Syndicate of the University of Calcutta;
- (e) one member of the State Advisory Council of the National Cadet Corps appointed by the State Government;
- (f) three persons interested in physical education appointed by the State Government.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to advise the Board on all matters relating to physical education and training.

*(Chapter III.—The Executive Council and the Committees.—
Sections 30—32.)*

Appeal Committee. **30.** (1) The Appeal Committee shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Vice-President, *ex-officio*;
- (c) a person nominated by the Syndicate of the University of Calcutta;
- (d) a person in the service of the State Government belonging to the Education Department;
- (e) a teacher elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clauses (12) to (15) of section 4; and
- (f) a member of a Managing Committee of a recognised High School elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (16) of section 4.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to hear and determine appeals from decisions in disputes between teachers and Managing Committees of High Schools, referred to the Committee in accordance with regulations made in this behalf.

Other Committees.

31. (1) The Board may constitute such other Committees as it thinks fit subject to the approval of the State Government, and such Committees may be wholly or in part composed of members of the Board.

(2) With the approval of the State Government the Board may delegate to any such other Committee any powers conferred upon the Board by or under this Act, and may in like manner withdraw any such delegation.

Term of office of members of the Executive Council and of the Committees.

32. (1) Subject to the provisions of this Act, an elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act, who is also a member of the Board, shall continue to hold office until his resignation or death or until he is removed or becomes disqualified:

Provided that the term of office of such a member shall terminate with effect from the date on which he ceases to be a member of the Board.

(2) An elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act, who is not a member of the Board, shall, subject to any other provisions of this Act, hold office for such term as may be prescribed by regulations in this behalf, and may on expiration of such term be re-elected, re-appointed or co-opted again:

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(Chapter IV.—Functions of the Board and the Executive Council.—33, 34.)

Provided that, notwithstanding the expiration of the term so prescribed, an elected, appointed or co-opted member of the Executive Council or of such a Committee shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

(3) When the seat of an elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act becomes vacant by reason of his ceasing to be a member of the Board or by reason of his disqualification, resignation, removal or death, the vacancy thus caused shall be filled by a fresh election, appointment or co-option, as the case may be, and in the case of a member of such a Committee, whose term of office as a member of such Committee is limited by or under the provisions of this Act, a person elected, appointed or co-opted in such a vacancy shall hold office during only the remainder of the term of office of the member in whose place he is elected, appointed or co-opted.

(4) The provisions of sections 9 and 11 shall apply *mutatis mutandis* to members of the Executive Council or of a Committee constituted under this Act.

CHAPTER IV.

FUNCTIONS OF THE BOARD AND THE EXECUTIVE COUNCIL.

33. (1) It shall be the duty of the Board to take such measures from time to time as it deems necessary for making suitable provision for Secondary Education throughout the State.

Duty to
make
suitable
provision
for
Secondary
Education.

(2) In taking such measures, the Board shall, in particular, have regard to the number, character and equipment of the High Schools, the variety of training, including practical training offered therein, the suitability of such training to the needs, abilities and aptitudes of pupils thereof and the requirements of such pupils as to boarding accommodation.

(3) Nothing in this section shall affect the provisions of the next two succeeding sections.

34. (1) The Board shall, within two years from the establishment of the Board or within such further time as may be allowed by the State Government, prepare and submit to the State Government an estimate of the immediate and prospective needs of the State as regards Secondary Education and shall, from time to time, in respect of any area, where in its opinion suitable provision for Secondary Education is not available, submit to the State Government a plan (in this Act called the Development Plan) in such form as may be prescribed by rules, showing the measures the Board proposes to take for the development of Secondary Education in that area.

Develop-
ment
Plan.

(Chapter IV.—Functions of the Board and the Executive Council.—Section 34.)

(2) The Board, in framing the Development Plan of an area, shall have regard to and specify—

- (a) the number, situation, nature and suitability of the existing High Schools;
- (b) what additional High Schools, if any, and of what nature, will be required for the area and the location of such schools;
- (c) which High Schools, if any, recognised either temporarily or permanently by the University of Calcutta shall cease to be recognised by the Board, giving reasons for such recommendations;
- (d) the arrangements made and proposed to be made by the Board for the provision of boarding accommodation attached to High Schools;
- (e) what other measures, if any, the Board proposes to take to secure better facilities for Secondary Education; and
- (f) such other particulars of the proposals of the Board with respect to High Schools as the Board thinks necessary or as the State Government may require.

(3) The Board shall, before submitting its Development Plan to the State Government, consult the Managing Committees of all High Schools and other educational institutions which would in the opinion of the Board be affected by the execution of the plan, and shall, after submitting the plan to the State Government, forthwith furnish to the Managing Committee of every such High School and such educational institution, such particulars relating to the plan as are sufficient to show the manner in which the school or educational institution may be affected by the execution thereof.

(4) If after a Development Plan has been submitted to it, the State Government is of opinion that no particulars or insufficient particulars of the plan have been furnished to any Managing Committee of a High School or an educational institution which, in its opinion, would be affected by the execution of the plan, it may give such directions as it thinks fit for securing that sufficient particulars are so furnished.

(5) The Board shall consider all objections to a Development Plan made to it within a period of two months from the date on which it is satisfied that all necessary particulars have been furnished in accordance with the last two preceding sub-sections.

(6) The State Government shall thereupon, after such consultations with the Board as it considers necessary or expedient and within a period of six months from the receipt of all objections made to it under sub-section (5), either reject the plan or approve the plan with such modifications, if any, as may be agreed upon between the State Government and the Board.

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(Chapter IV.—Functions of the Board and the Executive Council.—Sections 35, 36.)

35. (1) The Board shall on the approval of the Development Plan by the State Government, give to every High School or educational institution affected by the Development Plan notice thereof. Effect of Development Plan.

(2) The Development Plan for any area shall continue to regulate the duties of the Board in respect of the matters therein mentioned and may be amended by the Board with the approval of the State Government whenever, in the opinion of the Board, further amendment thereof is expedient by reason of any change or proposed change of circumstances :

Provided that before amending the Development Plan as aforesaid the Board shall give notice to any High School or educational institution which, in its opinion, would be affected by the amendment proposed to be made and shall consider any objections made to it by the Managing Committee thereof within two months after the service of the notice.

36. (1) Subject to the provisions of this Act, the Board shall have power to direct, supervise, develop and control Secondary Education and to do all such acts as it may consider necessary for the purposes of such direction, supervision, development and control. Powers of the Board.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may—

- (a) prescribe by regulations the procedure to be followed by the Executive Council in granting, withholding and withdrawing recognition to and from High Schools and the conditions to be fulfilled by High Schools for such recognition;
- (b) prescribe by regulations the conditions which shall govern the admission of students to, and the transfer of students to and from, High Schools;
- (c) supervise the administration of High Schools by means of inspection and the issue of directions;
- (d) make regulations for the institution, holding and controlling of such examinations as it thinks fit including any examination qualifying for admission to a course instituted by the University of Calcutta;
- (e) prescribe by regulations the fees payable by candidates for any examination controlled by it;
- (f) prescribe by regulations the conditions to be fulfilled by High Schools applying for or in receipt of grants-in-aid and the procedure for distributing such grants;
- (g) prescribe by regulations the conditions to be fulfilled by High Schools for recognition by the Executive Council for the purpose of presenting candidates for examinations including any examination qualifying for admission to a course instituted by the University of Calcutta;

(Chapter IV.—Functions of the Board and the Executive Council.—Section 36.)

- (h) prescribe by regulations the conditions to be fulfilled by candidates presenting themselves for examinations, including the Matriculation Examination of the University of Calcutta;
 - (i) institute and administer such Provident Funds as may be prescribed by regulations;
 - (j) administer the Secondary Education Fund;
 - (k) delegate any of its powers to the Executive Council or, subject to the provisions of this Act, to any Committee constituted under this Act;
 - (l) prescribe by regulations the procedure for the election of members of the Executive Council and of any Committee constituted under this Act, required by this Act to be prescribed by regulations;
 - (m) prescribe by by-laws the procedure to be followed at meetings of the Board, the Executive Council and any Committee constituted under this Act;
 - (n) prescribe by regulations the conditions on which the President may exercise his powers of delegation under section 16;
 - (o) prescribe by regulations the term for which an elected, appointed or co-opted member of a Committee constituted under this Act, who is not a member of the Board, shall hold office under subsection (2) of section 32;
 - (p) decide any appeal preferred against any decision of the Executive Council or Committee; and
 - (q) make regulations in respect of any other matter required to be prescribed by regulations.
- (3) Subject to any rules made by the State Government under section 62, the Board may—
- (a) make regulations for the proper exercise of the powers conferred on it by this section and to provide for any of the matters in respect of which provision is required by this Act to be made by regulations; and
 - (b) make by-laws for the proper exercise of the powers conferred on it by this section and to provide for any of the matters in respect of which provision is required by this Act to be made by the Board by by-laws:

Provided that no regulation or by-law shall be made by the Board except on a recommendation from the Executive Council.

(4) No regulation shall have any validity unless and until it is sanctioned by the State Government and before sanctioning any such regulation the State Government may make such modifications as it thinks fit after consultation with the Board.

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(Chapter IV.—Functions of the Board and the Executive Council.—Section 37.)

(5) All regulations made under this section shall be published in the *Official Gazette*.

37. (1) Subject to the provisions of section 36, the Executive Council shall have power to—

Powers of
the Exe-
cutive
Council.

- (a) advise the Board as to the principles to be followed in drawing up the Development Plan as provided for under this Act;
- (b) take such steps as may be necessary to carry out whatever policy the Board directs the Executive Council to carry out for developing Secondary Education;
- (c) in accordance with such regulations as may be made in this behalf, grant or refuse recognition to High Schools for such purposes as may at the time of recognition be specified, and withdraw such recognition, if it thinks fit;
- (d) maintain a register of recognised High Schools;
- (e) distribute grants-in-aid to High Schools in accordance with such regulations as may be made in this behalf;
- (f) in accordance with such regulations as may be made in this behalf, institute, hold and control such examinations as it thinks fit;
- (g) subject to the provisions of this Act and after considering the recommendations, if any, made to it under sub-section (3) of section 27, within the time prescribed by regulations, determine the syllabus of studies to be followed in High Schools;
- (h) publish the results of any examination instituted, held and controlled by it and award diplomas, certificates, prizes and scholarships in respect thereof;
- (i) in accordance with such regulations as may be made in this behalf, grant permission to candidates to appear in examinations, including any examination qualifying for admission to a course instituted by the University of Calcutta, and to refuse or withdraw such permission if it thinks fit;
- (j) report to the Board upon any matter concerning which its views may be invited by the Board or in respect of which it considers that it should tender advice to the Board;
- (k) take such disciplinary action as it thinks fit against High Schools, or teachers or students of such Schools or, in accordance with such regulations as may be made in this behalf, against the Secretary and other persons appointed by the Board;
- (l) specify the use in High Schools of such publications recommended by the Examinations Committee as it thinks fit;

(Chapter IV.—*Functions of the Board and the Executive Council.—Section 38.*)

- (m) publish such publications recommended by the Examinations Committee as it considers suitable for use in High Schools;
 - (n) make recommendations to the Board concerning the making of regulations and by-laws by the Board;
 - (o) exercise such powers as may be delegated to it by the Board;
 - (p) make provisions for the grant of stipends, scholarships, exhibitions, and prizes; and
 - (q) do all other acts required to be done by the Executive Council by or under this Act.
- (2) With effect from such date as the State Government may, by notification, appoint—
- (a) a High School which is not recognised by the Executive Council shall not be eligible for any grant-in-aid; and
 - (b) a pupil of a High School which is not so recognised shall not be eligible for any scholarship or stipend awarded by the State Government or the Board:

Provided that every High School which on the date of commencement of this Act is recognised by the University of Calcutta for the purpose of presenting candidates for the Matriculation Examination of the said University shall continue to be recognised in the following manner—

- (a) schools enjoying temporary recognition shall continue to be so recognised for a period of one year after the commencement of this Act or until the expiration of the period of temporary recognition, whichever is greater; and
- (b) schools enjoying permanent recognition shall continue to be so recognised under this Act for a period of three years after the commencement of this Act, and thereafter such recognition shall not be withdrawn except in accordance with the provisions of this Act and the rules, regulations and by-laws made thereunder.

Powers and
duties of
the
President.

38. (1) The executive authority of the Board and of the Executive Council shall vest in the President who shall be responsible for carrying out and giving effect to the decisions of the Board, the Executive Council and of any Committee constituted under this Act.

(2) The President shall not, without the approval of the Board or the Executive Council, exercise, any power which is by or under this Act expressly conferred upon the Board or the Executive Council, as the case may be:

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(Chapter V.—Meetings.—Section 39.)

Provided that if any emergency arises which, in his opinion, necessitates the exercise of any such power, he may exercise such power in a manner which is not contrary to any decision of the Board or the Executive Council, as the case may be, and shall, as soon as may be thereafter, report to the Board or the Executive Council, as the case may be, the action taken by him and his reasons for taking such action.

(3) In addition to any other powers or duties conferred or imposed upon him by or under this Act, the President shall,—

- (a) subject to the orders of the Board, control and be responsible for the efficiency and discipline of the Secretary and other persons appointed by the Board, and shall post and transfer such persons;
- (b) sanction at the rates prescribed by regulations all claims or travelling or halting allowance properly presented under section 19;
- (c) make and receive all payments on behalf of the Board and the Executive Council and ensure that payments to and from the Secondary Education Fund are made in accordance with the decisions of the Board and the Executive Council and in conformity with the rules made in this behalf; and
- (d) take such other action not inconsistent with any decisions of the Board or the Executive Council as he considers necessary for the proper functioning of the Board under this Act.

CHAPTER V.

MEETINGS.

39. (1) The annual meeting of the Board shall be held in the month of July in each year. Meetings of the Board.

(2) The Board shall meet at such other times as may be appointed by the President, who shall give to each member of the Board not less than seven days' notice of each meeting:

Provided that the President shall, on receipt of a requisition signed by not less than fifteen members of the Board, call a meeting within the next fifteen days and no business other than that on account of which the requisition has been received shall be transacted at such a meeting.

(3) On receipt of a requisition signed by not less than ten members of the Board, the President shall place before a meeting of the Board for discussion any decision of the Executive Council other than decisions concerning results of any examination, to which such requisition relates, and the Board may revise any such decision if not less than three-fourths of the whole number of members of the Board are in favour of such revision.

*(Chapter V.—Meetings.—Chapter VI.—Finance and Audit.
—Sections 40, 41.)*

(4) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of fifteen members and unless not less than three-fourths of the whole number of members of the Board vote in favour of such reconsideration.

(5) No business shall be transacted at any meeting of the Board unless a quorum of sixteen members is present.

Meetings
of the Exe-
cutive
Council.

40. (1) The Executive Council shall meet at such times as may be appointed by the President, who shall give to each member of the Executive Council not less than five days' notice of each meeting:

Provided that the President shall, on receipt of a requisition signed by not less than five members of the Executive Council, appoint a time for a meeting within the next seven days, and shall, in the case of an emergency on receipt of the requisition, call a meeting as early as possible after giving not less than two days' notice of such meeting:

Provided further that in the case of an emergency, the President may of his own motion call a meeting, after giving not less than two days' notice thereof.

(2) No business shall be transacted at any meeting of the Executive Council unless a quorum of six members is present.

(3) A copy of the proceedings of every meeting of the Executive Council shall be forwarded to every member of the Board within one month from date of such meeting.

CHAPTER VI.

FINANCE AND AUDIT.

Annual
report and
budget
estimate.

41. (1) Except in the year in which the Board is constituted, the President shall present to the annual meeting of the Board a report on the work of the Board during the last preceding financial year, together with a budget estimate showing in the form, prescribed by regulations, the anticipated income and expenditure of the Board during the next succeeding financial year.

(2) The report shall be forwarded to the State Government within one month of the presentation thereof at the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3) The budget estimate shall, when confirmed by the Board and within such period as may be prescribed by regulations, be forwarded to the State Government which may approve it or may take the action provided for in sub-section (4).

(Chapter VI.—Finance and Audit.—Section 42.)

(4)(a) The State Government may within three months of the receipt of the budget estimate return it to the Board with such comments and suggestions as it deems necessary if in its opinion the budget estimate—

- (i) is not reasonably accurate on the basis of ascertainable facts or shows a deficit balance at the end of the financial year to which the said estimate relates;
- (ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial demands which the Board will not be able to meet from its income; or
- (iii) includes proposals for expenditure which are not in accordance with the provisions of this Act.

(b) When the Board receives back the budget estimate under clause (a), it shall consider the comments and suggestions of the State Government on the said estimate and may thereupon, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the State Government or, if the Board does not see fit to revise the budget estimate, shall return it in its original form to the State Government with the replies of the Board on the said comments and suggestions.

(c) If the State Government does not accept the budget estimate as revised by the Board under clause (b) or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate as revised by the Board or the budget estimate as returned without revision, as the case may be, in one or more of the following ways—

- (i) it may make such alterations as are in its opinion necessary to render the estimate reasonably accurate on the basis of ascertainable facts or to eliminate any deficit balance;
- (ii) it may eliminate or modify any proposals involving fresh recurring expenditure;
- (iii) it may eliminate any proposals for expenditure which are not in its opinion in accordance with the provisions of this Act;

and thereupon the State Government shall approve the budget estimate as so amended.

(5) If the State Government does not within a period of three months of the receipt of the budget estimate forwarded to it under sub-section (3) either approve the said estimate under sub-section (3) or return it to the Board under sub-section (4) the said estimate shall be deemed to have been approved by the State Government.

42. For the purpose of enabling the Board to perform its functions under this Act, the State Government shall pay to the Board as soon as it is constituted and thereafter in each financial year a sum of Rupees thirty lakhs and

Liability
of the
State
Govern-
ment.

(Chapter VI.—Finance and Audit.—Section 43.)

such additional sums as may be determined by the State Government after examining the budget estimates of the Board for that financial year:

Provided that nothing in this section shall be deemed to preclude the State Government from making in any financial year such further payment to the Board as it thinks necessary for enabling the Board to perform its functions.

**Annual
grant to
the Univer-
sity of
Calcutta.**

43. (1) If in accordance with the provisions of any law, the University of Calcutta ceases from any year to hold the Matriculation Examination, the State Government shall with effect from the year following such year pay to the said University an annual grant determined by the Tribunal referred to in sub-section (2), to meet the financial loss incurred by the said University on account of its ceasing to hold the Matriculation Examination.

(2) The Tribunal referred to in sub-section (1) shall consist of the following members—

- (a) the Accountant-General, West Bengal, who shall be the Chairman of the Tribunal;
- (b) a member appointed by the State Government; and
- (c) a member appointed by the said University.

(3) In determining the amount of the annual grant referred to in sub-section (1), the Tribunal shall take into account the following items of receipts and expenditure for the three years ending on 30th June, 1948, 1949 and 1950 respectively, namely:—

- (a) the total receipts realised from fees paid by candidates for the Matriculation Examination, ordinary or supplementary;
- (b) the total receipts realised from the sale of text-books for the Matriculation Examination, ordinary or supplementary, printed or published by the said University;
- (c) the total expenditure incurred in holding the Matriculation Examination, ordinary or supplementary, including the expenditure incurred on account of remuneration paid to Paper-setters, Moderators, Tabulators, Examiners and other persons connected with the holding of such examinations and any other charges including overhead charges attributable to the holding of such examination;
- (d) the total expenditure incurred by the said University in connection with the printing or publication of text-books for the Matriculation Examination including the expenditure incurred in the purchase of paper and other materials and any other overhead charges attributable to such printing or publication; and

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(Chapter VI.—Finance and Audit.—Sections 44, 45.)

- (e) any other receipts of which the said University is deprived as a result of its ceasing to hold the Matriculation Examination deducting therefrom the expenditure incurred in realising such receipts.

(4) Subject to the provisions of this Act, the Tribunal shall have the power to regulate its own procedure.

(5) In case of any difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail.

(6) The amount of annual grant once determined by the Tribunal shall not be altered on any ground whatsoever.

(7) The decision of the Tribunal determining the amount of the annual grant shall be final and conclusive and no court shall have any authority or jurisdiction of any kind whatsoever in respect of such decision or in respect of any proceedings before the Tribunal.

44. (1) All sums received by or on behalf of the Board or the Executive Council shall be paid into a fund called the Secondary Education Fund to which shall be credited—

**Secondary
Education
Fund.**

- (a) all sums paid by the State Government for the purpose of enabling the Board to perform its functions under this Act;
- (b) all fees realised under any of the provisions of this Act;
- (c) all sums representing income from endowments or from property owned or managed by the Board for the purposes of this Act;
- (d) all sums received from the sale of publications under this Act; and
- (e) all other sums received by the Board for any purpose provided in this Act.

(2) The Secondary Education Fund shall vest in the Board and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All monies payable to the credit of the Secondary Education Fund shall forthwith be paid into the Reserve Bank of India to the credit of the said Fund, and all cheques on the said Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

45. (1) No expenditure shall be incurred from the Secondary Education Fund except for the purposes of this Act, and unless such expenditure is provided for in an approved budget or by reappropriation in the manner prescribed by rules made in this behalf.

**Application
of the
Secondary
Education
Fund.**

(2) The Board shall not, without the previous sanction of the State Government, incur from the Secondary Education Fund any expenditure under any major head of account in excess of the amount provided under that head in the approved budget estimates.

(Chapter VI.—Finance and Audit.—Sections 46, 47.)

(3) Subject to the preceding provisions of this section, the Secondary Education Fund shall be applicable to the following objects in the following order of precedence—

First, the payment of the costs of audit, or of such percentage of such costs as may be prescribed by rules;

Secondly, the payment of salaries and allowances to the President and the Secretary and other persons appointed by the Board;

Thirdly, the payment of grants-in-aid to High Schools;

Fourthly, the payment of scholarships and stipends to pupils of Secondary Schools;

Fifthly, the payment of the allowances specified in section 19;

Sixthly, any other expenditure incurred by the Board under this Act.

Accounts.

46. The Board shall keep accounts of all its receipts and expenditure in the manner and form prescribed by rules.

Audit.

47. (1) The accounts of the Board shall be examined and audited once in each year by an auditor appointed by the State Government.

(2) For the purposes of an audit under this Act an auditor so appointed may—

(a) require in writing the production before him of any document which he considers to be necessary for the proper conduct of the audit;

(b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document; and

(c) require any person so appearing before him to make and sign a declaration with respect to any such document and to answer any question or prepare and submit any statement.

(3) It shall be the duty of the Board, of every member thereof, and of the Secretary and other persons in the service of the Board, to afford to the auditor every proper facility for the examination and audit of the accounts of the Board, and to comply with a requisition made by the auditor under sub-section (2).

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) shall, on conviction, be punishable with fine which may extend to one hundred rupees in respect of each item included in the requisition.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

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(Chapter VI.—Finance and Audit.—Sections 48—50.)

(6) No Magistrate other than a Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under sub-section (4).

48. (1) Not more than fourteen days after completing the audit the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy of the report to the Board which shall forward it to the State Government together with its observations thereon.

Audit
Report.

(2) Subject to the provisions of section 50, the State Government shall take such action on the audit report as it thinks fit.

49. (1) The auditor shall—

Disallow-
ance,
charge
and
certificate.

(a) disallow any payment which is in contravention of any law for the time being in force, and charge it against the person making or authorizing it;

(b) charge the amount of any deficiency or loss against the person by whose default or negligence such deficiency or loss resulted;

(c) charge the amount of any sum which should have been, but has not been, brought into account against the person failing to account for it;

(d) in every case of disallowance and charge under this sub-section, certify in writing the amount due from the person against whom the charge is made; and

(e) send a copy of such certificate to the Board and to the person concerned.

(2) For the purposes of sub-section (1), any member of the Board, the Executive Council or any Committee constituted under this Act, including the President and the Vice-President of the Board and the Chairman of each such Committee, who is present at a meeting of the Board, the Executive Council or the Committee, as the case may be, at which a motion or resolution is passed authorizing any expenditure which is subsequently disallowed under sub-section (1), or authorizing any action which results in any such expenditure, shall be deemed to be a person authorizing such expenditure if he votes in favour of such motion or resolution, and all persons so voting shall be held jointly and severally liable for such expenditure.

50. (1) Any person interested in the Secondary Education Fund may, in the manner prescribed by rules, prefer an objection in writing to the accounts submitted to the auditor.

Objection
to
accounts.

(2) When an objection under this section is overruled by the auditor, he shall forthwith send a copy of his order overruling the objection to the person who preferred the objection.

(Chapter VI.—Finance and Audit.—Chapter VII.—Supplemental Provisions.—Sections 51—54.)

Appeal.

51. (1) Any person from whom an auditor has certified any sum to be due under section 49 and any person whose objection under section 50 has been overruled by an auditor may, within one month from the date of the order complained of, appeal therefrom to the State Government.

(2) The State Government shall make on such appeal such order as it thinks fit, which shall be final:

Provided that the State Government may at any time direct that any sum certified under section 49 shall not be realized, and such direction shall be final.

Payment of certified sums.

52. (1) Every sum certified under section 49 to be due from any person shall, within fourteen days from the receipt by such person of a copy of the certificate, and unless within that period he makes an appeal under section 51, be paid by him into the Secondary Education Fund.

(2) Any sum not paid in accordance with the provisions of sub-section (1) or, if an appeal has been made under section 51, such sum as the State Government may order to be due, shall be recoverable—

(a) in the case of a person in the service of the State Government or the Secretary or a person in the service of the Board, by deduction from his salary in accordance with such conditions as may be prescribed by rules, and

(b) in any other case, as a public demand.

(3) The Collector of Calcutta shall, for the purpose of section 5 of the Bengal Public Demands Recovery Act, 1913, be deemed to be the person to whom such demand is payable and he shall pay to the Board any sum recovered by him in respect of any such demand.

Ben. Act
III of 1913.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Board to furnish information.

53. The Board shall furnish to the State Government such reports, returns and statements as may be prescribed by rules and such further information relating to any matter under the control of the Board as the State Government may require.

Power of the State Government to suspend proceedings.

54. The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board, the Executive Council or any Committee constituted under this Act and prohibit the doing of any act which purports to be done or to be intended to be done under this Act, if the State Government after consulting the Advocate General of West Bengal, is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board, the Executive Council or such Committee, as the case may be.

XXXVII of 1950.]

(Chapter VII.—Supplemental Provisions.—Sections 55—58.)

55. (1) If in the opinion of the State Government the Board has shown its incompetence to perform, or persistently made default in the performance of, the duties imposed or exceeded or abused the powers conferred upon it by or under this Act, the State Government shall formulate in writing specific charges against the Board in respect of those matters and shall forward a copy of such charges to the Board with the direction to the Board to submit any comments or explanations in respect thereof to the State Government within such period as may be specified by the State Government in this behalf. If after the Board has submitted such comments or explanations the State Government is of opinion that they are not satisfactory the State Government shall refer the charges formulated against the Board, together with the comments and explanations so submitted, for opinion to an Investigation Commission appointed by the State Government and the Investigation Commission shall thereupon inquire into the said charges in accordance with such procedure as may be prescribed by rules and forward its opinion thereon to the State Government. After consideration of the opinion of the Investigation Commission or where the Board does not submit any comments or explanations within the period specified in this behalf, after the expiry of the said period, the State Government may, if it thinks fit, by notification, remove the elected, appointed and co-opted members of the Board and direct that the Board be reconstituted by a fresh election, appointment and co-option of members in accordance with the provisions of section 4 and in every such case the State Government shall, as soon as may be, lay before the State Legislature a copy of the said notification together with a statement of the reasons which led to the issue of the order contained in such notification.

Power of the State Government to reconstitute the Board.

(2) Until the Board is reconstituted as directed under subsection (1), the powers and duties of the Board shall be exercised and performed by, and the property vested in the Board shall vest in, such person as the State Government may specify in the said notification.

56. The members of the Board, of the Executive Council and of every Committee constituted under this Act, and any person appointed under this Act to inspect the office of the Board or any High School or to audit the accounts of the Board, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Certain persons to be deemed to be public servants.

Act XLV of 1950.

57. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything in good faith said, done, or intended to be done, under this Act.

Indemnity.

58. Every Tribunal appointed under this Act shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Powers of Tribunals.

Act V of 1898.

(Chapter VII.—Supplemental Provisions.—Sections 59—62.)

Savings.

59. No act or proceeding taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or defect in the constitution of, the Board, the Executive Council or any Committee constituted under this Act,
- (b) any member of the Board having voted on any matter in contravention of the provisions of section 17, or
- (c) any defect or irregularity not affecting the merits of the case.

Special provisions for election by University.

60. Where any person or persons is or are required under this Act to be elected by the University of Calcutta, the rules for such election shall be made by the Senate of the said University in such manner as the Senate thinks fit.

Transitory provisions.

61. Every matter or thing required to be prescribed by regulations or by-laws under this Act shall until such regulations or by-laws are made, be prescribed by rules.

Power of the State Government to make rules.

62. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the approval of High Schools prior to the constitution of the Executive Council;
- (b) the acquisition, possession and transfer of property by the Board, the conditions of such acquisition, possession and transfer, and the performance by the Board of any other thing referred to in sub-section (2) of section 3;
- (c) the manner of election of the members of the Board specified in clauses (18) and (19) of section 4, and the dates by which such elections shall be held;
- (d) the procedure to be followed by the Tribunal referred to in sub-section (1) of section 10 in deciding any question under that section;
- (e) the manner in which all payments to and from the Secondary Education Fund referred to in clause (c) of sub-section (3) of section 38 shall be made;
- (f) the form in which the budget estimate shall be presented to the Board under sub-section (1) of section 41 and the period within which it shall be forwarded to the State Government under sub-section (3) of that section or resubmitted to the State Government under clause (b) of sub-section (4) of section 41;

XXXVII of 1950.]

(Chapter VII.—Supplemental Provisions.—Section 62.)

- (g) the manner of reappropriation under sub-section (1) of section 45 and the percentage of the costs of audit which may be paid under sub-section (3) of that section;
- (h) the manner and form in which accounts of receipts and expenditure shall be kept under section 46;
- (i) the manner of preferring an objection under sub-section (1) of section 50;
- (j) the conditions on which sums due may be deducted from the salaries of persons in the service of the State Government or the Secretary or persons in the service of the Board under sub-section (2) of section 52;
- (k) the reports, returns and statements to be furnished by the Board under section 53 and the form of such reports, returns and statements; and
- (l) any other matter required by this Act to be prescribed by rules.

West Bengal Act XXXVIII of 1950

THE LEGISLATIVE ASSEMBLY OF WEST BENGAL (REMOVAL OF DISQUALIFICATIONS) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to declare that the holders of certain offices of profit shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly.

WHEREAS it is expedient to declare in accordance with the provisions contained in sub-clause (a) of clause (1) of article 191 of the Constitution of India that the holders of certain offices of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly;

It is hereby enacted as follows:—

1. (1) This Act may be called the Legislative Assembly of West Bengal (Removal of Disqualifications) Act, 1950. (2) It shall come into force immediately on the Legislative Assembly of West Bengal (Removal of Disqualifications) Ordinance, 1950, ceasing to operate.

West Ben.
Ord. XII
of 1950.

Short
title
and
commence-
ment.

2. It is hereby declared that a person shall not be disqualified for being chosen as, and for being, a member of the Legislative Assembly of West Bengal by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, namely:—

Removal
of certain
disquali-
fications
for
member-
ship.

- (a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary;
- (b) an office which is not a whole-time office remunerated either by salary or by fees.

Price—Indian, annas 2; English, 3d.

West Bengal Act XXXIX of 1950

THE WEST BENGAL COLLECTIVE FINES ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to provide for the imposition of collective fines.

WHEREAS it is expedient to provide for the imposition of collective fines in connection with acts prejudicially affecting the maintenance of public order;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Collective Fines Act, 1950.

Short
title
and com-
mence-
ment.

West Ben.
Ord. XIII
of 1950.

(2) It shall come into force immediately on the West Bengal Collective Fines Ordinance, 1950, ceasing to operate.

2. (1) If it appears to the State Government that the inhabitants of any area are concerned in or abetting the commission of acts prejudicially affecting the maintenance of public order (which expression “public order” shall, without prejudice to the generality of its meaning, include public safety and communal harmony) or are harbouring persons concerned in the commission of such acts, or are failing to render all the assistance in their power to discover or apprehend such persons, or are suppressing material evidence of the commission of such acts, the State Government may, by notification in the *Official Gazette*, impose a collective fine on the inhabitants of that area.

Imposi-
tion of
collective
fine on in-
habitants
of area.

(2) The State Government or any officer empowered in this behalf by the State Government may, by general or special order, exempt any person or class or section of such inhabitants from liability to pay the whole or any part of the fine apportioned to them.

(3) The Commissioner of Police in Calcutta and the District Magistrate elsewhere after such enquiry as he may deem necessary by himself or some other officer deputed for the purpose, shall apportion such fine amongst the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the judgment of the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered—

(a) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court:

Provided that the State Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Act regulating the manner in

Act V of
1898.

(Sections 3—5.)

[West Ben. Act XXXIX of 1950.]

which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(b) as arrears of land revenue.

Explanation.—For the purposes of this section—

(a) the expression “Calcutta” means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866; Ben. Act IV of 1866.

(b) the expression “inhabitants of an area” includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein. Ben. Act II of 1866.

Bar to legal proceedings.

3. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Act.

Power to make rules.

4. The State Government may make rules for carrying out the purposes of this Act.

Savings.

5. Any fine imposed, any apportionment made, any action taken or anything whatsoever done under the West Bengal Collective Fines Ordinance, 1950, shall on the said Ordinance ceasing to operate be deemed to have been imposed, made, taken or done under this Act as if this Act had commenced on the 14th day of September, 1950. West Ben. Ord. XIII of 1950.

West Bengal Act XL of 1950

THE CONTINGENCY FUND OF WEST BENGAL ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to provide for the establishment and maintenance of a Contingency Fund.

WHEREAS it is expedient to provide for the establishment and maintenance of a Contingency Fund;

It is hereby enacted as follows:—

1. This Act may be called the Contingency Fund of West Bengal Act, 1950. **Short title.**

2. There shall be established a Contingency Fund in the nature of an imprest, entitled the Contingency Fund of West Bengal, into which shall be paid from and out of the Consolidated Fund of West Bengal a sum of fifty lakhs of rupees. **Establishment of the Contingency Fund of West Bengal.**

3. The Contingency Fund of West Bengal shall be held on behalf of the Governor of West Bengal by a Secretary to the Government of West Bengal in the Finance Department, and no advances shall be made out of such Fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of West Bengal under appropriations made by law. **Custody of the Contingency Fund and withdrawals therefrom.**

4. For the purposes of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from, the Contingency Fund of West Bengal. **Power to make rules.**

Price—Indian, annas 2; English, 3d.

West Bengal Act XLI of 1950

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1950. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees three crores ninety-three lakhs eighty-nine thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 3,93,89,001 out of the Consolidated Fund of West Bengal for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951. Appropriation.

SCHEDULE.

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
2	7—Land Revenue ..	9,16,000	..	9,16,000
5	10—Forest ..	2,00,000	..	2,00,000
16	29—Police ..	48,62,000	..	48,62,000
17	30—Ports and Pilotage	70,000	..	70,000
22	40—Agriculture ..	1	..	1

Price—Indian, annas 2; English, 3d.

2 *The West Bengal Appropriation (No. 2) Act, 1950.*
(Schedule.)

[West Ben. Act XLI of 1950.]

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
25	43—Industries—Industries.	3,88,000	..	3,88,000
	XII—Receipts from Electricity Schemes—Working expenses.	16,000	..	16,000
	53—Capital Outlay on Electricity Schemes met out of Revenue Account.	96,000	..	96,000
	72—Capital Outlay on Industrial Development outside the Revenue Account.	1,50,000	..	1,50,000
	Total—Grant No. 25	6,50,000	..	6,50,000
27	43—Industries—Cinchona.	2,01,000	..	2,01,000
29	50—Civil Works ..	40,09,000	2,11,000	42,20,000
	81—Capital Account of Civil Works outside the Revenue Account.	30,07,000	..	30,07,000
	Total—Grant No. 29	70,16,000	2,11,000	72,27,000
30A	54A—Territorial and Political Pensions.	2,00,000	..	2,00,000
33	57—Miscellaneous—Miscellaneous.	4,27,000	..	4,27,000
34	57—Miscellaneous—Expenditure on refugees.	56,41,000	..	56,41,000
37	64C—Pre-partition Payments.	95,00,000	15,00,000	1,10,00,000
39A	Transfer to the Contingency Fund of West Bengal.	50,00,000	..	50,00,000
41	Loans and Advances bearing interest.	29,95,000	..	29,95,000
	Grand Total ..	3,76,78,001	17,11,000	3,93,89,001

West Bengal Act XLII of 1950

THE WEST DINAJPUR UNION BOARDS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act for the removal of doubts regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board in the district of West Dinajpur and for modifying the operation of the West Dinajpur Union Boards Ordinance, 1950.

WHEREAS under the award of the Boundary Commission, the local area in the district of Dinajpur in the Province of Bengal which was originally declared under section 5 of the Bengal Village Self-Government Act, 1919 (hereinafter referred to as the said Act), to be the Hilli union, fell partly within the Province of West Bengal and partly within the Province of East Bengal;

Ben. Act
V of 1919.

AND WHEREAS since the said award, doubts have arisen regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board;

AND WHEREAS it is expedient to remove such doubts;

AND WHEREAS it is also expedient to modify the operation of the West Dinajpur Union Boards Ordinance, 1950, in certain respects;

West Ben.
Ord. IX of
1950.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Dinajpur Union Boards Act, 1950.

Short title
and com-
mence-
ment.

(2) This section and section 6 shall come into force at once; the rest of the Act shall come into force immediately on the West Dinajpur Union Boards Ordinance, 1950, ceasing to operate.

2. In this Act,—

Definitions.

(a) “appointed day” means the date on which the award of the Boundary Commission came into force;

(b) “Boundary Commission” means the Boundary Commission referred to in the Indian Independence Act, 1947.

10 & 11
Geo. VI,
c. 30.

3. On and from the appointed day, the Hilli union shall, for the purposes of section 5 of the said Act, be deemed to comprise of so much of the local area originally declared under the said section to be the local area of the said union as is situated in the district of West Dinajpur.

Local area
of Hilli
union.

4. On and from the appointed day, the Hilli union board shall, for the purposes of section 6 of the said Act, be deemed to be constituted of such members of the said union board who immediately before the appointed day were holding office as such members and were resident within areas now comprised in West Bengal.

Member-
ship of the
Hilli union
board.

(Sections 5,6.)

[West Ben. Act XLII of 1950.]

**Term of
office of
members
of the Hilli
union
board.**

5. The members of the Hilli union board referred to in section 4 shall hold office up to the 8th day of April, 1951, and for any further period which may elapse between the expiration of the said date and the date of the first meeting at which a quorum is present, of the newly elected members after the next general election for the said union board.

**West
Bengal
Ord. IX of
1950 not
to have
effect in
certain
respects.**

6. So much of the West Dinajpur Union Boards Ordinance, 1950, as relates to the local areas of the Binshira and Dhalpara unions and the membership and the tenure of membership of the Binshira and Dhalpara union boards shall be deemed never to have been in force.

**West Ben.
Ord. IX
of 1950.**

West Bengal Act XLIII of 1950

THE WEST BENGAL DENTAL BOARD ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 3rd November, 1950.]

*An Act to provide for the continuance of the constitution of
the West Bengal Dental Board as heretofore until the
31st day of December, 1950.*

WHEREAS it is expedient that the West Bengal Dental
Board shall continue to be constituted as heretofore until
the 31st day of December, 1950;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Dental
Board Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

West Ben.
Ord. VI of
1950.

(3) It shall come into force immediately on the West
Bengal Dental Board Ordinance, 1950, ceasing to operate.

2. Notwithstanding anything contained in any Act,
notification, order or other law, the West Bengal Dental
Board shall be deemed to consist, up to the 31st day of
December, 1950, of the members holding office as members
of the said Board immediately before the commencement of
this Act and the term of office of such members shall extend
up to that date.

Constitu-
tion of the
West
Bengal
Dental
Board to
continue
as hereto-
fore.

Price—Indian, annas 2; English, 3d.

West Bengal Act XLIV of 1950

THE CALCUTTA MUNICIPAL (SECOND AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act further to amend the Calcutta Municipal Act, 1923.

Ben. Act
III of
1923.

WHEREAS it is expedient further to amend the Calcutta Municipal Act, 1923, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Municipal (Second Amendment) Act, 1950.

Short title
and com-
mence-
ment.

West Ben.
Ord. V of
1950.

(2) It shall come into force immediately on the Calcutta Municipal (Amendment) Ordinance, 1950, ceasing to operate.

2. In sub-section (2) of section 140 of the Calcutta Municipal Act, 1923 (hereinafter referred to as the said Act), after the words "Deputy Executive Officer" the words "or any officer specially appointed by the Corporation with the approval of the State Government for hearing objections" shall be inserted.

Amend-
ment of
section 140
of Bengal
Act III of
1923.

3. In sub-section (2) of section 142 of the said Act, the words "by the Executive Officer or Deputy Executive Officer" shall be omitted.

Amend-
ment of
section
142.

4. Any investigation or proceeding commenced or continued, any notice given, any objection heard or determined, any order passed, any action taken or anything whatsoever done under the said Act, as amended by the Calcutta Municipal (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been commenced, continued, given, heard, determined, passed, taken or done under the said Act as amended by this Act as if this Act had commenced on the 25th day of April, 1950.

Savings.

Price—Indian, annas 2; English, 3d.

West Bengal Act XLV of 1950

THE WEST BENGAL DISTURBANCES COMMISSION OF ENQUIRY ACT, 1950.

(Passed by the West Bengal Legislature.)

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act to vest the Commission of Enquiry appointed to enquire into the recent disturbances in West Bengal with certain powers.

WHEREAS a Commission of Enquiry has been appointed to enquire into the recent disturbances in West Bengal;

AND WHEREAS it is expedient to vest the said Commission of Enquiry with powers of a Civil Court;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Disturbances Commission of Enquiry Act, 1950.

(2) It extends to the whole of West Bengal.

Short title, extent and commencement.

West Ben.
Ord. VII
of 1950.

(3) It shall come into force immediately on the West Bengal Disturbances Commission of Enquiry Ordinance, 1950, ceasing to operate.

Act V of
1898.

2. The Commission of Enquiry appointed under Resolution of the Government of West Bengal, in the Home Department, No. 2394-C.R./CR-475/50 Pt. II, dated the 13th May, 1950 (hereinafter referred to as the Commission), shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480, 481 and 482 of the Code of Criminal Procedure, 1898. The Commission shall furthermore have the same powers of dealing with contempt of the Commission or any of its members or of, or in respect of, any proceedings of the Commission as if the Commission were a High Court referred to in article 214 of the Constitution of India.

Powers of Commission of Enquiry.

3. Except in a prosecution for giving false evidence, no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceedings:

Statements made by persons to the Commission.

Provided that such statement—

(a) is one which the Commission permits or requires to be made before it by such person; and

(b) is relevant to the subject matter of the inquiry.

2 *The West Bengal Disturbances Commission of Enquiry
Act, 1950.*

[West Ben. Act XLV of 1950.]

(Section 4.)

Savings.

4. Any power exercised, any action taken or anything whatsoever done under any provision of the West Bengal Disturbances Commission of Enquiry Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 3rd day of June, 1950.

West Bengal Act XLVI of 1950

THE WEST BENGAL SECURITY (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
Extraordinary, of the 5th November, 1950.]

An Act to amend the West Bengal Security Act, 1950.

West Ben.
Act XIX
of 1950.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Security (Amendment) Act, 1950.

Short
title and
commence-
ment.

West Ben.
Ord. XI
of 1950.

(2) Sections 2, 3, 5 and 6 shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1950, and the West Bengal Security (Second Amendment) Ordinance, 1950, cease to operate; the rest of the Act shall come into force at once.

West Ben.
Ord. XIV
of 1950.

2. For clause (4) of section 2 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act), the following clause shall be substituted, namely:—

Amend-
ment of
section 2
of West
Bengal
Act XIX
of 1950.

“(4) ‘prejudicial report’ means any report, statement or visible representation which undermines the security of the State or tends to overthrow the State;”.

3. In section 13 of the said Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

Amend-
ment
of section
13.

“(1) The State Government, if satisfied that the printing, publication, sale or distribution of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State, may by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(a) require that any matter relating to such subject or class of subjects shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the printing, publication, sale or distribution of any document or class of documents containing any matter relating to such subject or class of subjects;

2 *The West Bengal Security (Amendment) Act, 1950.*

[West Ben. Act XLVI

(Sections 4, 5.)

(c) prohibit or regulate the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931 for the purpose of printing any document or class of documents containing any matter relating to such subject or class of subjects.”; XXIII of 1931.

(b) in sub-section (2), for the words, brackets and figures “published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document” the following words, brackets and figures shall be substituted, namely:—

“printed, published, sold or distributed in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used for the purpose of printing such document.”.

Insertion
of new
section
21A.

4. After section 21 of the said Act, the following section shall be inserted, namely:—

“21A. (1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the State Government, direct a person in respect of whom an order under clause (a) of sub-section (1) of section 21 has been made that such person shall—

- Power of photographing, etc., persons in respect of whom order has been made under section 21(1)(a).
- (a) permit himself to be photographed;
 - (b) allow his finger and thumb impressions to be taken;
 - (c) furnish specimens of his handwriting and signature; and
 - (d) attend at such times and places as may be necessary for all or any of the foregoing purposes
- and such person shall comply with such direction.

Explanation.—In this sub-section ‘Calcutta’ has the same meaning as in section 17.

(2) If any person fails to comply with or attempts to avoid any direction given under sub-section (1) he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.”.

Substitution of new section for section 38.

5. For section 38 of the said Act, the following section shall be substituted, namely:—

“38. The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged in Calcutta, also by

Delegation of powers and duties of the State Government.

of 1950.]

(Section 6.)

the Commissioner of Police, the First Land Acquisition Collector or the Second Land Acquisition Collector, and elsewhere, also by the District Magistrate, an Additional District Magistrate or a Special Land Acquisition Officer.

Explanation.—In this section ‘Calcutta’ has the same meaning as in section 17.”.

West Ben.
Ord. XI
of 1950.

6. (1) Any order made, any action taken or anything whatsoever done under the said Act, as amended by the West Bengal Security (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 14th day of August, 1950.

Savings
and
validation.

West Ben.
Ord. XIV
of 1950.

(2) Any direction made, any action taken or anything whatsoever done under the said Act as amended by the West Bengal Security (Second Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 18th day of September, 1950.

(3) Notwithstanding any law to the contrary, any order made or deemed or purported to have been made, or any notification issued or deemed or purported to have been issued, or any direction given or deemed or purported to have been given, under any provision of the said Act, by—

- (i) the Commissioner of Police, Calcutta, or
- (ii) the First Land Acquisition Collector, Calcutta, or
- (iii) the Second Land Acquisition Collector, Calcutta, or
- (iv) a District Magistrate, or
- (v) an Additional District Magistrate, or
- (vi) the Special Land Acquisition Officer, Alipore, 24-Parganas,

in exercise or discharge or the purported exercise or discharge of any power or duty, in pursuance of any notified order made or deemed or purported to have been made by the State Government, under section 38 of the said Act as in force immediately before the commencement of the West Bengal Security (Second Amendment) Ordinance, 1950, shall be deemed to be and to have always been valid.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XLVII of 1950

**The Indian Red Cross
Society (Bengal Branch)
(Amendment) Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1951

Price—Indian, annas 4; English, 6d.

West Bengal Act XLVII of 1950

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 5th November, 1950.]

An Act to make better provision for the administration and working of the Bengal Provincial Branch of the Indian Red Cross Society.

WHEREAS it is expedient to make better provision for the administration and working of the Bengal Provincial Branch of the Indian Red Cross Society and for that purpose to amend the Indian Red Cross Society (Bengal Branch) Act, 1920 (hereinafter referred to as the said Act);

Ben. Act
VIII of
1920.

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1950.

West Ben.
Ord. VIII
of 1950.

(2) It shall come into force immediately on the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950, ceasing to operate.

Short
title and
commence-
ment.

2. In section 4 of the said Act, for the word “twelve” the word “thirteen” shall be substituted.

Amend-
ment of
section 4
of Bengal
Act VIII
of 1920.

3. After section 6 of the said Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
after
section 6.

“6A. As from the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950 (elsewhere in this Act referred to as the Ordinance)—
Position after the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950.

(a) section 6 shall cease to apply and the rules made thereunder shall stand cancelled;

(b) the Managing Body, as constituted and existing or purported to be constituted and existing immediately before the commencement of the Ordinance shall stand dissolved and the term of office of the Chairman of the Managing Body, of the Treasurer of the Society and of every member of the Managing Body shall terminate;

(c) sections 6B, 6C, 6D, 6E and 6F shall apply in place of section 6.

6B. The Managing Body shall consist of the following Composition of the members, namely:—
Managing Body.

(a) the Vice-Chancellor of the University of Calcutta, or a person nominated by him;

(b) the Administrative Officer appointed under the Corporation of Calcutta (Temporary Supersession) Act, 1948, so long as that Act is in force

West Ben.
Act VIII
of 1948.

2 *The Indian Red Cross Society (Bengal Branch)*
(Amendment) Act, 1950.

[West Ben. Act

(Section 3.)

and thereafter the Mayor of the Corporation of Calcutta, or a person nominated by the Administrative Officer or the Mayor of the Corporation of Calcutta, as the case may be;

- (c) the Director of Health Services, West Bengal;
- (d) a representative of the State Government, not being the Director of Health Services, West Bengal, appointed by the State Government;
- (e) the President of the Bengal Chamber of Commerce;
- (f) the President of the Bengal National Chamber of Commerce;
- (g) the President of the Indian Chamber of Commerce;
- (h) the President of the Bharat Chamber of Commerce;
- (i) three members of the Society elected at a general meeting of the Society:

Provided that no member of the Society shall be qualified to vote for the election of the members of the Managing Body at such meeting unless he has continuously been a member of the Society for at least six months before the date of such meeting and unless his subscription is not in arrears:

Provided further that such election of members of the Managing Body shall, in the case of the first election after the commencement of the Ordinance, be held at an extraordinary general meeting of the Society and in the case of elections subsequent thereto, at the annual general meeting of the Society; and

- (j) the two members of the Society appointed by the President of the Society as the Chairman of the Managing Body and the Treasurer of the Society.

6C. (1) The Governor of West Bengal shall be the President, Chairman, President of the Society.
Treasurer and *ex-officio* members.

- (2) The President of the Society shall as soon as may be after the commencement of the Ordinance by order in writing, and thereafter at every annual general meeting by announcement, appoint two of the members of the Society to be respectively the Chairman of the Managing Body and the Treasurer of the Society.
- (3) The members of the Managing Body referred to in clauses (a) to (h) of section 6B and the President of the Society shall be *ex-officio* members of the Society.

XLVII of 1950.]

(Section 3.)

- 6D. (1) If any vacancy occurs in the office of a member
Vacancies. of the Managing Body elected to
the Managing Body under clause (i) of section
6B, by reason of death or resignation, the
Managing Body shall appoint a member of the
Society to fill the vacancy.
- (2) If any vacancy occurs in the office of the Chairman
of the Managing Body or the Treasurer of the
Society, by reason of death or resignation, the
President shall appoint another member of the
Society to fill the vacancy.
- 6E. (1) The Managing Body may, subject to other
Power to make provisions of this Act, make rules
rules and power for the administration, manage-
to act notwith- ment and control of the Society
standing vacan- and for all matters ancillary or
cy. incidental to those purposes, and
such rules may, *inter alia*, make provisions for all
or any of the following, namely:—
- (a) the grades of members and the terms and condi-
tions of different grades of membership;
 - (b) the appointment of associates and the terms and
conditions of associateship;
 - (c) the powers to be exercised by the Managing Body;
 - (d) the procedure of the Society and the Managing
Body;
 - (e) the constitution of Committees and the delegation
of powers to them;
 - (f) the constitution of Branches of the Society and the
delegation of powers to them;
 - (g) the acquisition and the disposal of properties on
behalf of the Society;
 - (h) entering into agreements and contracts on behalf
of the Society and executing documents on its
behalf and the affixing of the seal of the
Society;
 - (i) investing the funds of the Society;
 - (j) the audit and the accounts of the funds of the
Society;
 - (k) the relations with the Indian Red Cross Society
and contribution of sums to that Society;
 - (l) the interpretation of rules made under this sub-
section.
- (2) All rules made as aforesaid shall be laid before a
general meeting of the Society, annual or extra-
ordinary, and shall come into force if and when
approved at such general meeting.
- (3) The Managing Body shall be deemed to be duly
constituted and shall have power to act, to meet,
to transact business and exercise its powers under
sub-sections (1) and (2), notwithstanding any
vacancy among its members.

[West Ben. Act

(Section 4.)

6F. (1) The rules in the Schedule shall be deemed to be Transitory provisions and savings. rules made by the Managing Body under sub-section (1) of section 6E, and shall be in force as if they were duly laid before and approved at a general meeting of the Society under sub-section (2) of that section and may be added to, amended, varied or rescinded under that section.

(2) Notwithstanding anything contained in the foregoing sections, all appointments made under rule 22, and all standing orders made under rule 23 of the rules under section 6 which were in force immediately before the commencement of the Ordinance and are not inconsistent with this Act, shall be deemed to have been made under the corresponding provisions of the rules in the Schedule.”

**Insertion of
Schedule.**

4 At the end of the said Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE.

[See section 6F(1).]

Rules under sub-section (1) of section 6F of the Indian Red Cross Society (Bengal Branch) Act, 1920.

CHAPTER I.

INTRODUCTORY.

Citation.

1. These rules may be called the Rules of the Bengal Provincial Branch of the Indian Red Cross Society.

Definitions.

2. In these rules, unless the context requires otherwise—

- (a) "the Act" means the Indian Red Cross Society (Bengal Branch) Act, 1920; Ben. Act VIII of 1920.
- (b) "the chairman" means the Chairman of the Managing Body;
- (c) "the Managing Body" means the Managing Body of the Society;
- (d) "the Ordinance" means the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950; West Ben. Ord. VIII of 1950.
- (e) "the President" means the President of the Society;
- (f) "the Society" means the Bengal Provincial Branch of the Indian Red Cross Society.

(Section 4.)

CHAPTER II.

MEMBERS AND ASSOCIATES.

3. In addition to *ex-officio* members, there shall be the following grades of members of the Society, namely:— Grades of members.
- (a) Honorary Vice-Presidents,
 - (b) Patrons,
 - (c) Vice-Patrons,
 - (d) Ordinary members.
4. A person shall be an Honorary Vice-President if he subscribes a sum of Rs. 10,000 or more to the funds of the Society. Honorary Vice-Presidents.
5. A person shall be a Patron if he subscribes a sum less than Rs. 10,000 but not less than Rs. 2,000 to the funds of the Society. Patrons.
6. A person shall be a Vice-Patron if he subscribes a sum less than Rs. 2,500 but not less than Rs. 500 to the funds of the Society. Vice-Patrons.
7. A person shall be an ordinary member if he signifies his intention to become a member and pays an annual subscription to the funds of the Society of Rs. 12 or a consolidated subscription of Rs. 150. Ordinary members.
8. The Managing Body may elect any person for services rendered to the Society to be a member of any grade referred to in clauses (a), (b), (c), or (d) of rule 3. Power to elect members.
9. A person who immediately before the commencement of the Ordinance was a Honorary Vice-President, a Patron, a Vice-Patron or a member of the Society shall continue to be a Honorary Vice-President, a Patron, a Vice-Patron or an ordinary member, as the case may be. Existing members to continue.
10. (1) A person shall be an associate if he signifies his intention to become an associate and pays an annual subscription of Rupee 1 or a consolidated subscription of Rs. 50 to the funds of the Society. Associates.
- (2) No associate shall be a member of the Society.
- (3) A person who was an associate immediately before the commencement of the Ordinance shall continue to be an associate.

CHAPTER III.

GENERAL MEETINGS.

11. (1) An annual general meeting of the Society shall be held every year at the headquarters of the Society upon a date to be fixed by the Chairman. Annual and extra-ordinary general meetings.
- (2) An extraordinary general meeting of the Society may be convened at any time by the President for any purpose connected with the Society.

6 *The Indian Red Cross Society (Bengal Branch)*
(Amendment) Act, 1950.

[West Ben. Act

(Section 4.)

Notice.

12. Notice of every general meeting of the Society, whether annual or extraordinary, shall be given to all members of the Society at least fifteen days before the date fixed for the meeting and the business to be transacted at such meeting shall be specified in the notice.

Business
which may
be
transacted
at general
meetings
and quo-
rum.

13. (1) (a) At each annual general meeting of the Society—

(i) three members of the Society shall be elected to the Managing Body under clause (i) of section 6B of the Act;

(ii) the President shall appoint the Chairman of the Managing Body and the Treasurer of the Society;

(iii) the annual report, the annual accounts and the budget shall be presented and considered; and

(iv) any other business specified in the notice may be transacted with the assent of the President.

(b) The annual accounts shall be circulated to all members of the Society along with the notice for the annual general meeting and, after being passed at the annual general meeting, shall be published in the Press.

(2) At an extraordinary general meeting of the Society no business not specified in the notice for the meeting, shall be transacted.

(3) The quorum for a general meeting of the Society, whether annual or extraordinary, shall be ten.

Presiding
officer.

14. The President shall preside at every general meeting of the Society, whether annual or extraordinary, and in the absence of the President, the Chairman or some other person appointed by the Chairman shall preside over such general meeting.

Voting.

15. (1) Subject to the provisions of clause (i) of section 6B of the Act, at every general meeting of the Society, whether annual or extraordinary, all questions shall be decided by votes of the members of the Society present, taken by show of hands.

(2) In case of an equality of votes, the person presiding at the meeting shall have a casting vote.

CHAPTER IV.

MANAGING BODY.

Vice-
Chairman.

16. The Managing Body shall every year, at the first meeting held after the annual general meeting of the Society, elect from among themselves a Vice-Chairman, who in the absence of the Chairman shall conduct the duties of the Chairman and exercise his power.

Quarterly
meetings.

17. An ordinary meeting of the Managing Body shall be held at least once a quarter at such time and at such place as may be fixed by the Chairman. At the meeting held in the first quarter of the year the annual budget of the Society shall be dealt with.

The Indian Red Cross Society (Bengal Branch) 7
(Amendment) Act, 1950.

XLVII of 1950.]

(Section 4.)

18. An extraordinary meeting of the Managing Body may be called at any time by the Chairman. **Extra-ordinary meeting.**

19. Upon a requisition in writing made by any three members of the Managing Body, the Chairman shall call an extraordinary meeting. **Requisition for meetings.**

20. Seven days' clear notice of any meeting of the Managing Body, specifying the place, day and hour of the meeting and the general nature of the business to be transacted, shall be given to every member of the Managing Body, by notice sent by post; provided that the accidental omission to give such notice to any of the members shall not invalidate any resolution passed at such meeting. **Notice of meeting.**

21. At meetings of the Managing Body three members shall form a quorum. **Quorum.**

22. If no quorum is present within ten minutes of the time fixed for a meeting of the Managing Body, the meeting shall be adjourned for one week to the same time and place. At such adjourned meeting the business for which the meeting was called may be transacted, whether a quorum is present or not. **Adjourned meetings.**

23. In the event of an equality of votes at any meeting of the Managing Body, the Chairman shall have a casting vote. **Casting vote.**

24. (1) The Managing Body may, subject to the provisions of the Act, exercise all such powers and do all such things as may be exercised or done by the Society, except in so far as express provision is made otherwise by these rules. **General powers of the Managing Body.**

(2) In particular and without prejudice to the provisions of sub-rule (1), the Managing Body shall have the power—

(a) to acquire whether by purchase or lease any immovable property;

(b) to sell, lease or otherwise dispose of any immovable property vested in the Society on such terms as the Managing Body may consider beneficial to the Society; and

(c) to invest the funds of the Society and from time to time as they may think expedient to change such investments.

25. The seal of the Society shall not be affixed to any instrument except in pursuance of a resolution of the Managing Body and at least two members of the Managing Body shall sign every instrument to which the seal is affixed. **Seal.**

26. (1) The Managing Body shall appoint the Director and the General Secretary. **Officers.**

(2) All other appointments shall be made by the Chairman, subject to the control of the Managing Body.

27. The Managing Body shall have power to make standing orders regulating its own procedure, the procedure of Committees appointed by it, and the duties of the Officers of the Society. **Standing orders.**

(Section 5.)

Representa-
tion on
Indian Red
Cross
Society.

28. The Managing Body may, from time to time, appoint one or more members of the Society to represent the Society at meetings of the Indian Red Cross Society or to serve on Committees convened by that Society for the consideration of objects which concern the Society, and may sanction all reasonable expenditure for such purposes.

Contribu-
tion to
Indian Red
Cross
Society.

29. The Managing Body shall pay to the Managing Body of the Indian Red Cross Society towards the general expenses of that Society 10 *per cent.* of all subscriptions or consolidated subscriptions received from members and associates, subject to the limitation that the amount so payable on account of any single subscription shall not exceed Rs. 1,000. This rule shall not apply to gifts or payments other than subscriptions received by the Society.

CHAPTER V.

COMMITTEES.

Appoint-
ment of
Commit-
tees.

30. The Managing Body shall from among the members of the Society annually constitute a Medical Committee, consisting of such members of the Society as it may determine and may, in its discretion, constitute such other Committees with such powers as it may think necessary.

Duties of
Medical
Com-
mittee.

31. The Medical Committee shall advise upon all technical questions which may be referred to it either by the Managing Body or the General Secretary.

Proceed-
ings of
Com-
mittees.

32. The proceedings of all Committees shall be laid before the Managing Body.

CHAPTER VI.

INTERPRETATION.

Inter-
pretation.

33. If any doubt arises about the interpretation of these rules, the question may be referred to the President and the decision of the President shall be final."

Savings.

5. The Managing Body or any Committee constituted, any nomination, appointment, rule or standing order made or deemed to have been made, any election or meeting held, any notice issued, any action taken or anything whatsoever done under the said Act as amended by the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been constituted, made, held, issued, taken or done under the said Act as amended by this Act as if this Act had commenced on the 19th day of July, 1950.

West
Ben.
Ord.
VIII
of 1950.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act XLVIII of 1950

**The Bengal Finance (Sales
Tax) (West Bengal
Amendment) Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 5; English, 6d.

West Bengal Act XLVIII of 1950

THE BENGAL FINANCE (SALES TAX) (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 5th November, 1950.]

An Act further to amend the Bengal Finance (Sales Tax) Act, 1941.

Ben. Act VI of 1941. WHEREAS it is expedient further to amend the Bengal Finance (Sales Tax) Act, 1941;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950. Short title and commencement.

West Ben. Ord. X of 1950.

(2) This section shall come into force at once; sections 13 and 16 shall come into force immediately on the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950 ceasing to operate; the remaining sections of the Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and for this purpose different dates may be appointed for different sections.

2. In section 2 of the Bengal Finance (Sales Tax) Act, 1941 (hereinafter referred to as the said Act),— Amendment of section 2 of Bengal Act VI of 1941.

(a) in clause (b),—

(i) for the words “cash or deferred payment or other valuable consideration” the words “money consideration” shall be substituted;

(ii) in sub-clause (iii) after the words “motor vehicle” the words “or any sea-going vessel” shall be added;

(b) for clause (c) the following clause shall be substituted, namely:—

“(c) “dealer” means any person who carries on the business of selling goods in West Bengal and includes the Government.

Explanation 1.—A co-operative society or a club or any association which sells goods to its members is a dealer.

Explanation 2.—A factor, a broker, a commission agent, a *del credere* agent, an auctioneer or any other mercantile agent, by whatever name called, and whether of the same description as hereinbefore mentioned or not, who carries on the business of selling goods and who has, in the customary course of business, authority to sell goods belonging to principals is a dealer.

Explanation 3.—The manager or an agent in West Bengal of a dealer who resides outside West Bengal and carries on the business of selling goods in West Bengal shall, in respect of such business, be deemed to be a dealer;’;

(Section 2.)

(c) for clause (d) the following clause shall be substituted, namely:—

“(d) “goods” includes all materials, commodities and articles but does not include actionable claims, stocks, shares, securities or money.

Explanation.—Goods supplied in the execution of a contract shall be deemed to be goods for the purposes of this Act;’;

(d) in clause (g),—

(i) for the words “for cash or deferred payment or other valuable consideration, including a transfer of property in goods involved in the execution of a contract, but does not include a mortgage, hypothecation, charge or pledge;” the words “for money consideration and includes a transfer of property in goods supplied in the execution of a contract but does not include a mortgage, hypothecation, charge or pledge; and any grammatical variations of the expression ‘sale’ shall be construed accordingly.” shall be substituted,

(ii) for Explanation 2, the following Explanation shall be substituted, namely:—

“*Explanation 2.*—A sale shall be deemed to have taken place in West Bengal if the goods are actually delivered in West Bengal as a direct result of such sale for the purpose of consumption in West Bengal, notwithstanding the fact that under the general law relating to the sale of goods the property in the goods has by reason of such sale passed in another State;”;

(e) for clause (h) the following clause shall be substituted, namely:—

“(h) “sale-price” means—

(i) in the case of a sale which consists in the transfer of property in goods supplied in the execution of a contract (hereinafter referred to as a sale involved in the execution of a contract)—such portion of the amount of the money consideration for the contract as may be prescribed, representing the price of the goods supplied,

(ii) in other cases of sale—the amount of the money consideration for the sale, less any sum allowed as cash discount according to ordinary trade practice, but including any sum charged for anything done by the dealer in respect of the goods at the time of, or before, delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged;’;

XLVIII of 1950.]

(Section 3.)

(f) for clause (i) the following clause shall be substituted, namely:—

“(i) “turnover” used in relation to any period means the aggregate of the sale-prices or parts of sale-prices receivable, or if a dealer so elects, actually received by the dealer during such period after deducting the amounts, if any, refunded by the dealer in respect of any goods returned by the purchaser within such period:

Provided that an election as aforesaid once made shall not be altered except with the permission of the Commissioner and on such terms and conditions as he may think fit to impose;”

(g) for clause (j) the following clause shall be substituted, namely:—

“(j) “year” used in relation to any particular dealer means the year by reference to which, according to a declaration made by that dealer, the accounts of that dealer are ordinarily maintained in his books, and where no such declaration is made, the year commencing on the first day of January and reckoned according to the British calendar:

Provided that a registered dealer shall not change his year except with the previous permission of the prescribed authority and except on such terms and conditions as may be determined by such authority.’

3. In section 4 of the said Act,—

**Amend-
ment of
section 4.**

(a) in sub-section (1), for the words and figures “Subject to the provisions of sections 5 and 6 and with” the word “With” shall be substituted;

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) Every dealer to whom sub-section (1) does not apply, shall, if his gross turnover calculated from the commencement of any year exceeds the taxable quantum at any time within such year, be liable to pay tax under this Act, on the expiry of two months from the date on which such gross turnover first exceeds the taxable quantum, on all sales effected after such expiry.”;

(c) for sub-section (4) the following sub-section shall be substituted, namely:—

“(4) Every dealer whose liability to pay tax under this Act has ceased under the provisions of sub-section (3), shall, if his gross turnover calculated from the commencement of any year again exceeds the taxable quantum at any time within such year, be liable to pay such tax on the expiry of two months from the date on which such gross turnover again first exceeds the taxable quantum on all sales effected after such expiry.”;

4 *The Bengal Finance (Sales Tax) (West Bengal
Amendment) Act, 1950.*

[West Ben. Act

(Sections 4, 5.)

(d) in clause (a) of sub-section (5), the word "himself" shall be omitted.

Amend-
ment of
section 5.

4. In sub-section (2) of section 5 of the said Act,—

(a) for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely:—

“(ii) sales to a registered dealer—

of goods of the class or classes specified in the certificate of registration of such dealer, as being intended for re-sale by him, or for use by him in the manufacture of goods for sale or for use by him in the execution of any contract;

and

of containers or other materials for the packing of goods of the class or classes so specified :

Provided that in the case of such sales a declaration duly filled up and signed by the registered dealer to whom the goods are sold and containing prescribed particulars on a prescribed form obtainable from the prescribed authority is furnished in the prescribed manner by the dealer who sells the goods.”;

(b) after sub-clause (ii) of clause (a), the following sub-clause shall be inserted, namely:—

“(iii) sales to a registered dealer engaged in the business of raising coal, of any goods which are shown to the satisfaction of the Commissioner to be required directly for use in connection with the raising of coal;”.

Amend-
ment of
section 7.

5. In section 7 of the said Act,—

(a) in sub-section (1), for the words “under this Act” the words and figure “under section 4 of this Act” shall be substituted,

(b) for sub-section (6) the following sub-section shall be substituted, namely:—

“(6) When—

(a) any business in respect of which a certificate has been granted to a dealer on an application made, has been discontinued or transferred, or

(b) a dealer has ceased to be liable to pay tax under section 4 of this Act,

the Commissioner shall cancel the registration.”.

XLVIII of 1950.]

(Sections 6—9.)

6. To sub-section (1) of section 8 of the said Act, the following explanation shall be added, namely:—

Amend-
ment of
section 8.

“*Explanation.*—A dealer may apply for registration under this section although he deals exclusively in one or more classes of goods specified in the first column of the Schedule.”.

7. For section 9 of the said Act, the following section shall be substituted, namely:—

Substitu-
tion of new
section for
section 9.

“9. The Commissioner shall, as soon as may be after the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, publish in the *Official Gazette* a list of the names and addresses of the registered dealers together with a description of the goods covered by the certificate of the registration, and thereafter shall in like manner from time to time publish—

List of regis-
tered dealers to
be published.

- (a) such particulars of any dealer who is subsequently registered or whose registration certificate is amended or whose registration is cancelled as soon as may be after such registration or cancellation, and
- (b) a consolidated list embodying the modification made in the first list published under this section.”.

8. In section 10 of the said Act, the proviso to sub-section (2) shall be omitted.

Amend-
ment of
section 10.

9. In section 11 of the said Act,—

(a) in sub-section (1),—

Amend-
ment of
section 11.

(i) for the words “twelve months” the words “eighteen months” shall be substituted,

(ii) for the words “to submit a return in respect of any period by the prescribed date” the words “to submit in respect of any period, a return accompanied by a receipt from a Government Treasury or the Reserve Bank of India, as required under sub-section (3) of section 10, by the prescribed date” shall be substituted;

(b) in sub-section (2), for the words “who imports for sale any goods into West Bengal or himself manufactures or produces any goods for sale, has been liable to pay tax under this Act in respect of any period and has nevertheless failed to apply for registration, the Commissioner shall, at any time within three calendar years from the commencement of this Act and thereafter within twelve months from the expiry of such period” the words “who has been liable to pay tax under this Act in respect of any period but has failed to get himself registered, the Commissioner shall” shall be substituted;

6. *The Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950.*

[West Ben. Act

(Sections 10, 11.)

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2a) No assessment under sub-section (1) shall be made after the expiry of four years and no assessment under sub-section (2) shall be made after the expiry of six years from the end of the year in respect of which or part of which the assessment is made:

Provided that where any proceedings for assessment under sub-section (1) or sub-section (2) are pending at the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, such assessment may be made at any time within four years or six years respectively of the date of such commencement.”.

Substitution of new section for section 12.

10. For section 12 of the said Act, the following section shall be substituted, namely:—

“12. (1) The Commissioner shall, in the prescribed manner, refund to a dealer applying in this behalf any amount of tax or penalty paid by such dealer in excess of the amount due from him under this Act, either by cash payment or, at the option of the dealer, by deduction of such excess from the amount of tax due in respect of other period:

Provided that no refund shall be made unless the claim for refund is made within twelve months from the date of the assessment of tax or the date of the imposition of penalty or within six months from the date of any final order passed on appeal, revision or review under section 20 or reference under section 21, whichever period expires later.

(2) Nothing in sub-section (1) shall be deemed to empower the Commissioner to amend, vary or rescind any assessment or to amend, vary or rescind any order passed on appeal, revision or review under section 20 or reference under section 21, or to confer on a dealer any relief in addition to what he is entitled under the provisions of this Act.”.

Amendment of section 14.

11. In section 14 of the said Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer—

(a) to produce before him any accounts, registers or documents,

(b) to furnish any information, relating to the stock of goods of, or purchases, sales or deliveries of goods by, the dealer or relating to any other matter,

as may be deemed necessary for the purposes of this Act.”;

XLVIII of 1950.]

(Sections 12—15.)

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) (a) All accounts, registers and documents relating to the stocks of goods of, or purchases, sales and deliveries of goods by, any dealer; and

(b) all goods kept in any place of business of any dealer

shall at all reasonable times be open to inspection by the Commissioner.”;

(c) at the end of sub-section (4) the following words shall be added, namely:—

“or any other place where the Commissioner has, upon information received, reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business.”.

12. In section 15 of the said Act the words and figures “section 18 and” shall be omitted.

Amend-
ment of
section 15.

13. In section 16 of the said Act,—

(a) in clause (a) after the words “any place of business” the words “or effects or comes to know of any other change in the ownership of the business” shall be inserted;

Amend-
ment of
section 16.

(b) for clause (c) the following clause shall be substituted, namely:—

“(c) changes the name or nature of his business or effects any change in the class or classes of goods in which he carries on his business and which is or are specified in his certificate of registration.”.

14. For section 17 of the said Act, the following section shall be substituted, namely:—

Substitu-
tion of new
section for
section 17.

“17. Where the ownership of the business of a registered dealer is entirely transferred and business. the transferee carries on such business either in its old name or in some other name, the transferee shall for all the purposes of this Act (except for liabilities under this Act already discharged by such dealer) be deemed to be and to have always been registered as if the certificate of registration of such dealer had initially been granted to the transferee; and the transferee shall on application to the Commissioner be entitled to have the registration certificate amended accordingly.”.

15. (1) Section 18 of the said Act shall be deemed to have been repealed as from the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950.

Repeal of
section 18.

[West Ben. Act

(Sections 16, 17.)

(2) All proceedings which were pending before the Commissioner of Commercial Taxes immediately before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950, under section 18 of the said Act shall be deemed to have been discharged as from the date of such commencement. West Ben. Ord. X of 1950.

(3) No order passed before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950, by a person appointed under sub-section (1) of section 3 of the said Act to assist the Commissioner of Commercial Taxes shall be deemed to be or to have been invalid merely on the ground that such order determined or purported to determine directly or incidentally any question which the Commissioner of Commercial Taxes should have determined under section 18 of the said Act or shall be questioned by or in any court, tribunal or authority merely on such ground.

Amend-
ment of
section 20.

16. In section 20 of the said Act,—

(a) in sub-section (1), after the words “within sixty days” the words “or such further period as may be allowed by the Commissioner for cause shown to his satisfaction” shall be inserted;

(b) in sub-section (3),—

(i) for the words “order passed” the words “assessment made or order passed” shall be substituted,

(ii) the following further proviso shall be added at the end, namely:—

“Provided further that no application for revision shall lie to the Commissioner in respect of any assessment if an appeal lies under sub-section (1) to the Commissioner in respect of such assessment.”;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or the rules made thereunder by any person appointed under section 3 may be reviewed by the person passing it upon application or of his own motion.”.

Insertion
of new
section
after sec-
tion 21.

17. After section 21 of the said Act, the following section shall be inserted, namely:—

“21A. The Commissioner or any person appointed

Power of Com- to assist him under sub-section
missioner to take (1) of section 3 shall, for the
evidence on oath, purposes of this Act, have the
etc. same powers as are vested in a Court under the

Code of Civil Procedure, 1908, when trying a Act V of 1908.
suit, in respect of the following matters,
namely:—

(a) enforcing the attendance of any person and
examining him on oath or affirmation;

XLVIII of 1950.]

(Sections 18—20.)

- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses;

and any proceeding under this Act before the Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall be deemed to be a 'judicial proceeding' within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code."

**Act XLV
of 1860.**

18. In sub-section (1) of section 22 of the said Act, for the words "shall be punishable with fine not exceeding one thousand rupees" the words "shall be punishable with simple imprisonment which may extend to six months or with fine or with both" shall be substituted. Amend-
ment of
section 22.

19. For section 23 of the said Act, the following section shall be substituted, namely:— Substitu-
tion of new
section for
section 23.

"23. (1) Subject to such conditions as may be prescribed, the Commissioner may accept, Compound-
ing of offences. from any person alleged to have committed an offence under sub-section (1) of section 22 or under any rules made under this Act, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding five thousand rupees or where the offence alleged to have been committed is under clause (a) or clause (b) of that sub-section, not exceeding double the amount of the tax which would have been payable by such person had he complied with the provisions of the Act, whichever is greater.

(2) On payment in full of such sum as may be determined by the Commissioner under sub-section (1)—

- (a) no proceedings shall be commenced against such person as aforesaid; and
- (b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with."

20. In sub-section (2) of section 26 of the said Act,— Amend-
ment of
section 26.

(a) for clause (a), the following clause shall be substituted, namely:—

"(a) the portion referred to in sub-clause (i) of clause (h) of section 2.";

(b) after clause (a), the following clause shall be inserted, namely:—

"(aa) the authority referred to in the proviso to clause (j) of section 2.";

10 *The Bengal Finance (Sales Tax) (West Bengal
Amendment) Act, 1950.*

[West Ben. Act XLVIII of 1950.]

(Section 20.)

(c) after clause (b), the following clause shall be inserted,
namely :—

“(bb) the particulars to be contained in a declaration
under sub-clause (ii) of clause (a) of sub-section
(2) of section 5, the form of such declaration,
the authority from which such form shall be
obtainable and the manner in which such
declaration is to be furnished;”;

(d) after clause (s), the following clause shall be
inserted, namely :—

“(t) any other matter required to be prescribed.”.

West Bengal Act XLIX of 1950

THE WEST BENGAL FIRE SERVICES (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 9th November, 1950.]

An Act to amend the West Bengal Fire Services Act, 1950.

West Ben.
Act XVIII
of 1950.

WHEREAS it is expedient to amend the West Bengal Fire Services Act, 1950, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Fire Services (Amendment) Act, 1950. Short title.

2. In section 23 of the West Bengal Fire Services Act, 1950 (hereinafter referred to as the said Act),—

Amend-
ment of
section 23
of West
Bengal
Act XVIII
of 1950.

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

“(1A) Where the State Government makes an order under sub-section (1) requiring the Corporation of Calcutta or the Commissioners of a municipality to exercise or perform any powers, duties or functions of the Collector under this Act, through the Executive Officer of the Corporation of Calcutta or the Chairman of the Commissioners of a municipality, the Executive Officer or the Chairman may authorise any officer of the Corporation of Calcutta or any officer of the Commissioners of the municipality, as the case may be, to exercise or perform any such powers, duties or functions, subject to his control and supervision.”; and

(b) in sub-section (2), for the words “such order” the words, brackets and figure “an order under sub-section (1)” shall be substituted.

3. In section 38 of the said Act, for the words, figure and brackets “premises licensed for storing any article referred to in clause (1) of section 2” the words “any premises or part thereof licensed as a warehouse under this Act” shall be substituted.

Amend-
ment of
section 38.

Price—Indian, annas 2; English, 3d.

West Bengal Act L of 1950
THE CALCUTTA IMPROVEMENT (AMENDMENT)
ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 9th November, 1950.]

An Act further to amend the Calcutta Improvement
Act, 1911.

Ben. Act V
of 1911.

WHEREAS it is expedient further to amend the Calcutta Improvement Act, 1911 for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Improvement (Amendment) Act, 1950.

Short title
and
commence-
ment.

West Ben.
Act VIII
of 1948.

(2) It shall come into force on the date next following the date of expiry of the period of supersession of the Corporation of Calcutta under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948.

2. For sub-section (1) of section 7 of the Calcutta Improvement Act, 1911, the following sub-section shall be substituted, namely:—

Amend-
ment of
section 7 of
Ben. Act V
of 1911.

“(1) The three members of the Corporation referred to in clause (c) of section 4 shall be elected by the Corporation.”

Price—Indian, annas 2; English, 3d.

WBGF-50/1-7841A-4500

West Bengal Act LI of 1950

THE 24-PARGANAS DISTRICT BOARD DISSOLUTION (TEMPORARY PROVISIONS) (SECOND AMEND- MENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 9th November, 1950.]

*An Act further to amend the 24-Parganas District Board
Dissolution (Temporary Provisions) Act, 1948.*

West Ben.
Act
XXIII of
1948.

WHEREAS it is expedient further to amend the 24-Parganas
District Board Dissolution (Temporary Provisions) Act, 1948,
for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the 24-Parganas District Board Dissolution (Temporary Provisions) (Second Amendment) Act, 1950. Short title.

2. In sub-section (3) of section 1 of the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948, for the words and figures "15th day of December, 1950", the words and figures "31st day of December, 1951" shall be substituted.

Amend-
ment of
section
1 of West
Bengal
Act
XXIII
of 1948.

Price—Indian, annas 2; English, 3d.

West Bengal Act LII of 1950

THE CALCUTTA IMPROVEMENT (AMENDMENT) AMENDING ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 9th November, 1950.]

An Act further to amend the Calcutta Improvement (Amendment) Act, 1948.

West Ben.
Act XXII
of 1948.

WHEREAS it is expedient further to amend the Calcutta Improvement (Amendment) Act, 1948 for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Calcutta Improvement Short title.
(Amendment) Amending Act, 1950.

2. Sub-section (3) of section 1 of the Calcutta Improvement (Amendment) Act, 1948 shall be omitted, and shall be deemed always to have been omitted.

Amend-
ment of
section 1 of
West Ben-
gal Act
XXII of
1948.

Price—Indian, annas 2; English, 3d.

West Bengal Act LIII of 1950

THE WEST BENGAL DISTRICT BOARDS (SECOND AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act further to amend the West Bengal District Boards Act, 1947.

**West Ben.
Act III of
1947.**

WHEREAS it is expedient further to amend the West Bengal District Boards Act, 1947, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal District Boards (Second Amendment) Act, 1950. **Short title.**

2. In the proviso to section 5 of the West Bengal District Boards Act, 1947, for the words “three years and four months” the words “four years, four months and fifteen days” shall be substituted. **Amend-
ment of
section 5 of
West Ben-
gal Act III
of 1947.**

Price—Indian, annas 2; English, 3d.

West Bengal Act LIV of 1950

THE WEST BENGAL NATIONAL VOLUNTEER FORCE (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 9th November, 1950.]

*An Act to amend the West Bengal National Volunteer Force
Act, 1949.*

West Ben.
Act I of
1949.

WHEREAS it is expedient to amend the West Bengal National Volunteer Force Act, 1949, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal National Volunteer Force (Amendment) Act, 1950. Short title.

2. In section 10 of the West Bengal National Volunteer Force Act, 1949 (hereinafter referred to as the said Act), before sub-section (1) the following sub-section shall be inserted, namely:— Amendment of section 10 of West Bengal Act I of 1949.

“(a1) The State Government or the Provincial Commandant, a Deputy Provincial Commandant, a Unit Commandant, or a District Superintendent of Police, if authorised by the State Government in this behalf, may at any time call upon in such manner and through such officer as may be prescribed, any volunteer for discharging anywhere in West Bengal any functions assigned to him by or under this Act.”

3. In sub-section (1) of section 11 of the said Act, after the word “under” occurring for the first time the words, brackets, letter and figure “sub-section (a1) or” shall be inserted. Amendment of section 11 of West Bengal Act I of 1949.

4. In section 12 of the said Act, after the word “under” occurring for the first time the words, brackets, letter and figure “sub-section (a1) or” shall be inserted. Amendment of section 12 of West Bengal Act I of 1949.

Price—Indian, annas 2; English, 3d.

West Bengal Act LV of 1950

THE WEST BENGAL PROHIBITION OF SMOKING IN SHOW HOUSES AND PUBLIC HALLS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 16th November, 1950.]

An Act to prohibit smoking in show houses and public halls in West Bengal.

WHEREAS it is expedient to prohibit smoking in show houses and public halls in West Bengal;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Prohibition of Smoking in Show Houses and Public Halls Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

(a) “show house” means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions, or any other indoor amusement or diversion whatsoever;

(b) “public hall” means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

3. Whoever smokes, during a demonstration, exhibition or meeting, in any part of a show house or public hall reserved for the audience or the spectators shall be punishable with fine which for a first offence may extend to twenty-five rupees and for a second or subsequent offence to one hundred rupees.

Penalty for
smoking
in show
houses and
public
halls.

4. Any police officer not below the rank of sub-inspector may arrest without warrant any person committing in his presence an offence under section 3.

Power to
arrest
without
warrant

5. (1) Every person responsible for the management of a demonstration or exhibition in a show house and every person who controls the deliberations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person smoking during a demonstration, exhibition or meeting, in any part of such show house or public hall reserved for the audience or spectators shall be liable to arrest without warrant and to fine.

Manage-
ment to
post
notices
or exhibit
slides.

2 *The West Bengal Prohibition of Smoking in Show
Houses and Public Halls Act, 1950.*

[West Ben. Act LV of 1950.]

(Section 6.)

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Power to
exclude
from the
operation
of the Act.

6. The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act LVI of 1950

**The West Bengal
Clinical Establishments
Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 4; English, 6d.

West Bengal Act LVI of 1950

THE WEST BENGAL CLINICAL ESTABLISHMENTS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 23rd November, 1950.]

An Act to introduce a system of registration and licensing in respect of clinical establishments.

WHEREAS it is expedient to introduce a system of registration and licensing in respect of clinical establishments;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Clinical Establishments Act, 1950. **Short title, extent and commencement.**

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(a) “clinical establishment” means a nursing home, a physical therapy establishment, a clinical laboratory or an establishment analogous to any of them, by whatever name called;

(b) “clinical laboratory” means an establishment where—

(i) biological, bacteriological, radiological, microscopic, chemical or other tests, examinations or analysis, or

(ii) the preparation of cultures, vaccines, serums or other biological or bacteriological products,

in connection with the diagnosis or treatment of diseases, are or is usually carried on;

(c) “maternity home” means an establishment where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with child-birth;

(d) “nursing home” means an establishment where persons suffering from illness, injury or infirmity whether of body or mind are usually received and accommodated for the purpose of nursing and treatment and includes a maternity home;

(e) “physical therapy establishment” means an establishment where persons are usually treated by physical means such as massage, electrotherapy, hydrotherapy, remedial gymnastics or the like;

2 *The West Bengal Clinical Establishments Act, 1950.*

[West Ben. Act

(Sections 3, 4.)

(f) "prescribed" means prescribed by rules made under this Act;

(g) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914;

Ben. Act +
VI of 1914.

(h) "registered nurse" or "registered midwife" means a nurse or midwife registered under the Bengal Nurses Act, 1934.

Ben. Act
X of 1934.

Clinical
establish-
ment not
to be kept
or carried
on without
registra-
tion and
license.

3. No person shall keep or carry on a clinical establishment without being registered in respect thereof and except under and in accordance with the terms of a license granted therefor.

Applica-
tion for
registra-
tion and
license.

4. (1) Every application for registration in respect of any clinical establishment and for the grant of a license therefor shall be made to such authority (hereinafter referred to as the prescribed authority), shall contain such particulars and shall be accompanied by such fee as may be prescribed.

(2) The prescribed authority, if satisfied that the applicant and the clinical establishment fulfil such conditions as may be prescribed, shall register the applicant in respect of such clinical establishment and shall grant him a license therefor and the registration and the license shall be valid for such period as may be prescribed.

(3) The prescribed authority may reject an application if he is satisfied—

(a) that the applicant or the clinical establishment does not fulfil the conditions prescribed under sub-section (2);

(b) that the real object of the applicant is to use or allow the clinical establishment to be used for immoral purposes;

(c) in the case of a nursing home other than a maternity home that such nursing home is not or will not be under the charge of a registered medical practitioner resident therein and that the nursing of persons received and accommodated therein is not or will not be under the superintendence of a registered nurse resident therein; or

(d) in the case of a maternity home that such maternity home is not or will not be under the charge of a registered midwife and that the attendance on every woman before, at, or after child-birth or on any child born is not or will not be under the superintendence of a registered midwife resident therein;

and shall in every case where the application is rejected record the grounds for rejection.

LVI of 1950.]

(Sections 5—7.)

(4) An appeal shall lie to such authority as may be specified in this behalf, against the rejection of an application under sub-section (3) and any order passed on such appeal shall be final and shall not be questioned in any Court.

(5) Every license granted under sub-section (2) shall be upon such terms as may be prescribed and such terms may, *inter alia*, require—

- (a) such precautions to be observed for safeguarding that the clinical establishment is not used for immoral purposes, such sanitary and hygienic measures to be taken and such accommodation to be provided, as may be specified;
- (b) in the case of nursing homes, records to be kept of persons received and accommodated and intimation to be given to specified authorities of births, deaths and miscarriages therein;
- (c) in the case of physical therapy establishments, records to be kept of persons treated therein.

5. If at any time after any person has been registered in respect of any clinical establishment and granted a license therefor, the prescribed authority is satisfied that the terms of the license are not being complied with, he may cancel such registration and license.

Cancel-
lation of
registration
and license.

6. (1) Subject to such regulations as may be prescribed, any officer of the State Government duly authorised in this behalf may enter any establishment which is being used or which such officer has reason to believe is being used as a clinical establishment and inspect any documents kept in such establishment:

Entry and
inspection.

Provided that nothing in this section shall be deemed to authorise any person to inspect any medical record relating to a person undergoing medical treatment.

(2) No person shall refuse to allow any officer as aforesaid to enter any establishment or to inspect any documents which he is entitled to enter or to inspect and no person shall obstruct any such officer in the exercise of his powers under sub-section (1).

7. (1) Any person—

- (a) who contravenes the provisions of section 3, or
- (b) who contravenes the provisions of sub-section (2) of section 6, or
- (c) being the holder of a license granted under this Act in respect of any clinical establishment, uses or allows such establishment to be used for immoral purposes,

Offences
and penal-
ties.

shall be guilty of an offence and shall—

- (i) on conviction for a first offence be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both, and

4 *The West Bengal Clinical Establishments Act, 1950.*

[West Ben. Act

(Sections 8, 9.)

- (ii) on conviction for a second or subsequent offence be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both,

and shall in addition be liable to a fine which may extend to twenty-five rupees for every day for which the offence continues after conviction.

(2) Where a person committing an offence under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary or other officer concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

Savings.

8. (1) For a period of six months from the commencement of this Act, the provisions of section 3, section 5, section 6 and section 7 shall not apply to any clinical establishment in existence on the date of such commencement.

(2) Nothing in this Act shall apply in respect of—

- (a) any clinical establishment maintained by or under the control of Government or any local authority; or
- (b) any asylum established or licensed under the Indian Lunacy Act, 1912; or
- (c) any leper asylum appointed, established or maintained under the Lepers Act, 1898; or
- (d) any chamber or clinic of a registered medical practitioner; or
- (e) any hairdresser's shop or saloon where scalp or face-massage or manicure treatment is administered to female customers only or is administered in full view of all the customers resorting there.

IV of 1912.
III of 1898.

Power to make rules.

9. (1) The State Government may make rules for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the authority to whom an application under sub-section (1) of section 4 shall be made, the particulars which such application shall contain and the fee with which such application shall be accompanied;
- (b) the conditions which an applicant and a clinical establishment shall fulfil under sub-section (2) of section 4;
- (c) the period for which registration and license under sub-section (2) of section 4 shall be valid;

LVI of 1950.]

(Section 9.)

- (d) the period of limitation for an appeal under sub-section (4) of section 4 and the procedure on such appeals;
- (e) the terms upon which a license shall be granted under sub-section (5) of section 4;
- (f) the regulations subject to which an officer authorised under sub-section (1) of section 6 may enter any establishment or inspect any documents;
- (g) any other matter required to be prescribed by rules.

West Bengal Act LVII of 1950

THE BENGAL (RURAL) PRIMARY EDUCATION (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 23rd November, 1950.]

An Act further to amend the Bengal (Rural) Primary Education Act, 1930.

Ben. Act
VII of
1930.

WHEREAS it is expedient further to amend the Bengal (Rural) Primary Education Act, 1930, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950. Short title.

2. After section 60 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the said Act), the following section shall be inserted, namely:— Insertion of new section 60A in Bengal Act VII of 1930.

“60A. In any area in which primary education has not been declared compulsory under section 56, the guardian of a child who has once been admitted to a primary school situated in such area, shall cause such child to attend that school up to the end of the stage of primary education provided in that school unless—

- (a) the child is prevented from attending that school by sickness, infirmity or other cause declared by a resolution of the Union Board, Union Committee or *Panchayat* concerned, to be a reasonable excuse for non-attendance; or
- (b) the child obtains a transfer certificate and is admitted to another primary school; or
- (c) the child is receiving instruction in some other manner approved by the officer referred to in clause (4) of section 60.”

3. In section 61 of the said Act, after the word and figures “section 59,” the word, figures and letter “section 60A,” shall be inserted. Amendment of section 61.

4. In sub-section (1) of section 62 of the said Act, after the word and figures “section 59,” the words, figures and letter “or section 60A,” shall be inserted. Amendment of section 62.

Price—Indian, annas 2; English, 3d.

West Bengal Act LVIII of 1950

THE CRIMINAL PROCEDURE (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, of the 23rd November, 1950.]

An Act further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal.

Act V of
1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal, in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Criminal Procedure Short title.
(West Bengal Amendment) Act, 1950.

2. The Code of Criminal Procedure, 1898 (hereinafter referred to as the Code), shall, in its application to such parts of West Bengal as the State Government may from time to time by notification in the *Official Gazette* appoint, be amended in the manner hereinafter provided. Application.

3. In section 196 of the Code after the word and figures "section 127" the words, figures and letter "and section 171F so far as it relates to the offence of personation at an election" shall be inserted within the brackets. Amend-
ment of
section
196 of
Act V of
1898.

4. In Schedule II to the Code,—

Act XLV
of 1860.

(a) in column two of the entry relating to section 171F of the Indian Penal Code, the words "and personation" shall be omitted; Amend-
ment of
Schedule
II.

(b) after the said entry so amended, the following shall be inserted, namely:—

"Personation at an election."	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	Ditto."
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(c) in column three of the entry relating to section 171G of the Indian Penal Code, for the word "Ditto" the words "Shall not arrest without warrant" shall be substituted.

Price—Indian, annas 2; English, 3d.

West Bengal Act LIX of 1950

THE BENGAL, AGRA AND ASSAM CIVIL COURTS (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, of the 23rd November, 1950.]

An Act further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to West Bengal.

XII of
1887.

WHEREAS it is expedient further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to West Bengal in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act, 1950.

Short title,
extent and
com-
mence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The Bengal, Agra and Assam Civil Courts Act, 1887, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner hereinafter provided.

Application
of Act.

3. In section 19 of the said Act,—

(i) in sub-section (1), for the words “one thousand rupees” the words “two thousand rupees” shall be substituted; and

Amend-
ment of
section 19
of Act
XII of
1887.

(ii) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) The State Government may, on the recommendation of the High Court, direct, by notification in the *Official Gazette*, with respect to any Munsif named therein that his jurisdiction shall extend to all like suits of such value not exceeding five thousand rupees as may be specified in the notification:

Provided that the State Government may, by notification in the *Official Gazette*, delegate to the High Court its powers under this sub-section.”

Price—Indian, annas 2; English, 3d.

WBGP-50/1-8185A-4,500

West Bengal Act LX of 1950

THE CRIMINAL PROCEDURE (WEST BENGAL SECOND AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
of the 30th November, 1950.]

*An Act further to amend the Code of Criminal Procedure,
1898, in its application to West Bengal.*

Act V of
1898.

WHEREAS it is expedient further to amend the Code of
Criminal Procedure, 1898, in its application to West Bengal,
in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Criminal Procedure Short title.
(West Bengal Second Amendment) Act, 1950.

2. The Code of Criminal Procedure, 1898 (hereinafter Application.
referred to as the said Code) shall, in its application to
West Bengal, be amended in the manner hereinafter
provided.

3. In section 407 of the said Code,—

(a) in sub-section (1), for the words “may appeal to the Amend-
District Magistrate”, the following shall be ment of
substituted, namely:— section 407
of Act V of
1898.

“may appeal—

(a) in any such district as the State Government
may, by notification in the *Official Gazette*,
specify, to the Court of Session, and

(b) in any other district, to the District Magis-
trate.”;

(b) in sub-section (2), for the words “under this section”
the words, brackets, letter and figure “under
clause (b) of sub-section (1) of this section” shall
be substituted; and

(c) after sub-section (2), the following sub-section shall
be added, namely:—

“(3) The Sessions Judge may transfer to any Assistant
Sessions Judge subordinate to him any appeal
presented to the Court of Session under clause
(a) of sub-section (1) of this section and there-
upon such appeal shall be heard by such
Assistant Sessions Judge. The Sessions Judge
may withdraw from such Assistant Sessions
Judge any appeal so transferred”.

4. In section 409 of the said Code, before the words Amend-
“An appeal” the words, brackets and figures “Subject to the ment of
provisions of sub-section (3) of section 407,” shall be inserted. section 409.

Price—Indian, annas 2; English, 3d.

West Bengal Act LXI of 1950

THE BENGAL ELECTRICITY DUTY (WEST BENGAL AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th November, 1950.]

An Act further to amend the Bengal Electricity Duty Act, 1935.

Ben. Act X
of 1935.

WHEREAS it is expedient further to amend the Bengal Electricity Duty Act, 1935, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Electricity Duty (West Bengal Amendment) Act, 1950.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the Bengal Electricity Duty Act, 1935 (hereinafter referred to as the said Act),—

Amend-
ment of
section 2 of
Bengal Act
X of 1935.

(a) to clause (1) the words “or by the State Government” shall be added at the end; and

(b) in clause (3) after the words and figures “section 28 of that Act” the words, figures and brackets “and also includes the West Bengal Electricity Board to be constituted under section 5 of the Electricity (Supply) Act, 1948” shall be inserted.

LIV of
1948.

3. In sub-section (1) of section 4 of the said Act, for the words “specified in his license” the words “of the licensee” shall be substituted.

Amend-
ment of
section 4 of
Bengal Act
X of 1935.

4. In section 5 of the said Act,—

(i) after sub-section (1) the following sub-section shall be inserted, namely:—

Amend-
ment of
section 5 of
Bengal Act
X of 1935.

“(1A) In the case of energy supplied by the State Government, the consumer shall pay to the State Government at the prescribed time and in the prescribed manner the electricity duty payable under section 3 on the units of energy supplied by the State Government to the consumer for the purpose of lights and fans.”;

2 *The Bengal Electricity Duty (West Bengal
Amendment) Act, 1950.*

[West Ben. Act LXI of 1950.]

(Section 5.)

(ii) in sub-section (2),—

(a) after the word “licensee” occurring for the first time the words “or the State Government, as the case may be,” shall be inserted; and

(b) the word “he” shall be omitted;

(iii) in sub-section (4), after the word “licensee” the words “or the State Government” shall be inserted.

Amend-
ment of
section 8 of
Bengal Act
X of 1935.

5. In section 8 of the said Act,—

(a) the word “and” occurring at the end of clause (a) shall be omitted; and

(b) after clause (a), the following clause shall be inserted, namely:—

“(aa) in the case of energy supplied by the State Government, from the consumer; and”.

West Bengal Act LXII of 1950

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th November, 1950.]

*An Act to amend the West Bengal Premises Rent Control
(Temporary Provisions) Act, 1950.*

West Ben.
Act XVII
of 1950.

WHEREAS it is expedient to amend the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1950. Short title.

2. In section 2 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (hereinafter referred to as the said Act), for clause (11) the following clause shall be substituted and shall be deemed always to have been substituted, namely:— Amend-
ment of
section 2 of
West Ben-
gal Act
XVII of
1950.

“(11) “tenant” means any person by whom rent is, or but for a special contract would be, payable for any premises, and includes—

(i) any person who is liable to be sued by the landlord for rent; and

(ii) any person whose interest in the premises has been *ipso facto* determined under sub-section (3) of section 12 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.”

West Ben.
Act
XXXVIII
of 1948.

3. In sub-section (1) of section 9 of the said Act, for clause (f) the following clause shall be substituted, namely:— Amend-
ment of
section 9.

“(f) where any premises have been wholly or are substantially constructed after the 31st day of December, 1949, by fixing the standard rent payable for one year at a rate equal to six *per centum* of the actual cost of construction as determined by the Controller added to the market price as on the 31st day of December, 1946, of the land included in the premises or to the market price of the said land as on the date of the completion of the construction, whichever is less:

Provided that where the premises whose standard rent is to be fixed form a part of the construction the standard shall be fixed at a rate which is fairly proportionate to the total standard rent of the entire construction.”

2 The West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1950.

[West Ben. Act LXII of 1950.]

(Sections 4—6.)

**Amend-
ment of
section 18.**

4. In section 18 of the said Act,—

(i) in sub-section (1) for the words “on the ground of default in payment of arrears of rent under the provisions” the following shall be substituted, namely:—

“on the ground that the interest of the tenant in such premises has been *ipso facto* determined under the provisions of sub-section (3) of section 12”;

(ii) in sub-section (5) for the words “on the ground of default in payment of arrears of rent under the provisions” the following shall be substituted, namely:—

“on the ground that the interest of the tenant in such premises has been *ipso facto* determined under the provisions of sub-section (3) of section 12”.

**Pending
applica-
tions and
suits.**

5. In all applications made under sub-section (1) of section 18 of the said Act, which are pending at the commencement of this Act and in all suits referred to in sub-section (5) of the said section which are pending at such commencement, the said Act as amended by this Act shall apply and shall be deemed always to have applied.

**Power of
Court to
rescind or
vary
decrees and
orders in
certain
cases.**

6. Where at any time between the commencement of the said Act and of this Act, an order or decree for the recovery of possession of any premises has been made or passed by any Court but possession of such premises has not been recovered in execution of such order or decree and the Court is of opinion that the order or decree would not have been made or passed if this Act had been in force when the order or decree was made or passed, the Court may, on application by the tenant within sixty days of the commencement of this Act, rescind or vary the order or decree on such terms and conditions as it deems necessary for the purpose of giving effect to the provisions of section 18 of the said Act as amended by this Act.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act LXIII of 1950

**The Cooch Behar
(Assimilation of State Laws)
Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 2; English, 3d.

West Bengal Act LXIII of 1950

THE COOCH BEHAR (ASSIMILATION OF STATE LAWS) ACT, 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 7th December, 1950.]

An Act to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal.

WHEREAS it is expedient to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal;

It is hereby enacted as follows:—

1. (1) This Act may be called the Cooch Behar (Assimilation of State Laws) Act, 1950.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

- (a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;
- (b) “Cooch Behar” means the merged territory of Cooch Behar in the State of West Bengal;
- (c) “State law” means so much of any Act, Ordinance, Regulation, rule, order or by-law as relates to any of the matters enumerated in List II in the Seventh Schedule to the Constitution of India.

3. (1) All State laws which immediately before the appointed day extend to, or are in force in the State of West Bengal, but do not extend to, or are not in force in, Cooch Behar shall, as from that day, extend to, or as the case may be, come into force in, Cooch Behar.

Assimila-
tion of
State
Laws.

(2) All State laws which, immediately before the appointed day, are in force in Cooch Behar but not in the rest of West Bengal shall on that day cease to be in force in Cooch Behar, except as respects things done or omitted to be done before that day.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Cooch Behar Acts specified in Schedule I as in force in Cooch Behar immediately before the appointed day shall continue to be in force therein after the said date subject to the adaptations specified in that Schedule, and the State laws specified in Schedule II shall not extend to, or come into force in, Cooch Behar:

(Section 4 and Schedule I.)

Provided that the State Government may, by notification in the *Official Gazette*, appoint a date on which any of the Acts specified in Schedule I shall cease to be in force and any of the Acts specified in Schedule II shall extend to, or come into force in, Cooch Behar.

(4) Nothing in this section shall be deemed to restrict or affect in any way, any shooting or fishing rights guaranteed or assured to His Highness the Maharaja of Cooch Behar under any covenant or agreement made with the Government of the Dominion of India, before the commencement of the Constitution of India.

Provision
for removal
of diffi-
culties.

4. If any difficulty arises in relation to the transition from the laws mentioned in sub-section (2) of section 3 to the laws mentioned in sub-section (1) thereof, the State Government may, by order notified in the *Official Gazette*, make such provision as it considers necessary for the removal of such difficulty.

SCHEDULE I.

[See section 3(3).]

(1) The Cooch Behar Village Choukidari Act, 1893 (Cooch Behar Act III of 1893).

Throughout the Act.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

Preamble.—For “State” substitute “district”.

Section I.—In sub-clause (1), for “by a Sanud under his hand and seal” substitute “by an order published in the Official Gazette”; for “State” substitute “district”.

In sub-clause (2), for “His Highness the Maharaja Bhup Bahadur in Council”, in the two places where they occur, substitute “the State Government”; for “Cooch Behar Gazette” substitute “Official Gazette”.

In the first proviso, for “Cooch Behar Municipal Act I of 1885” substitute “Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903) or the Cooch Behar Municipal Act, 1944 (Cooch Behar Act III, of 1944)”.

Section VI(A).—In sub-clauses (1) and (3) for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “Cooch Behar Gazette”, in the two places where they occur, substitute “Official Gazette”.

In sub-clause (2), for “granted a Sanud given under the hand and seal of” substitute “given an order in writing by”.

LXIII of 1950.]

(Schedule I.)

Section VI(B).—In clause (h), for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “Cooch Behar Gazette” substitute “Official Gazette”.

Section X.—For “annas 12” substitute “Rupees 2” and for “one pice or quarter of an anna” substitute “two pice or half an anna”.

Section XXXIII.—In clause 6th, for “State Council” substitute “State Government”.

In clause 13th, for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”, and for “Cooch Behar Gazette” substitute “Official Gazette”.

Section XLIII.—For “Superintendent of the State” substitute “Divisional Commissioner”.

Section XLIV.—For “Cooch Behar State” substitute “the district of Cooch Behar”.

(2) The Cooch Behar Cess Act, 1893 (Cooch Behar Act V of 1893).

Throughout the Act.—For “His Highness the Maharaja in Council”, “His Highness in Council” and “His Highness” substitute “the State Government” except where otherwise mentioned; for “Naib Ahilkar” substitute “Deputy Collector”; for “Naib Ahilkar of the subdivision” substitute “Deputy Collector in charge of the subdivision”; for “Revenue Minister” substitute “Collector”.

Long title and preamble.—For “State” substitute “district”.

Section 2.—Omit definition of “Naib Ahilkar”; in the definitions of “Lakherajdar” and “Mokoraridar”, after “State” insert “of Cooch Behar before merger”.

Section 6.—Omit section 6.

Section 7.—Omit “if he think fit”.

Section 18.—For “the State” substitute “Government”.

Section 25.—For “State Council” substitute “Divisional Commissioner or the Board of Revenue”.

Section 31.—For “State” substitute “Government”.

Section 34.—For “His Highness the Maharaja in Council” substitute “the Divisional Commissioner and the Board of Revenue”; in the marginal note, for “State Council” substitute “Divisional Commissioner and Board of Revenue”.

Part III, Chapter V.—For the heading “Constitution and Administration of the Communication Improvement Fund” substitute “Temporary Provisions”.

(Schedule I.)

Section 36.—For section 36, substitute the following:—

“Communication Improvement Cess, etc., provisionally to form part of the Consolidated Fund of the State.

36. Until the constitution of a District Board for Cooch Behar, the amount produced by the Communication Improvement Cess and all sums levied or recovered as fines, penalties or otherwise in respect of the cess under this Act, shall form a part of the Consolidated Fund of the State of West Bengal; and the cost of repair and maintenance of roads, bridges and other means of communication and the cost of construction and maintenance of any other work of public utility shall be paid out of the Consolidated Fund of the State of West Bengal.”

Sections 37, 38, 39 and 40.—Omit these sections.

(3) The Cooch Behar Revenue Sales Act, 1897 (Cooch Behar Act V of 1897).

Throughout the Act.—For “Naib Ahilkar” substitute “Deputy Collector”; for “Revenue Minister” substitute “Collector of the district”; for “Cooch Behar Gazette” substitute “Official Gazette”; for “Council” substitute “Board of Revenue, West Bengal”; and for “Civil and Sessions Judge” substitute “District Judge”.

Long title.—For “State” substitute “district”.

Section III.—For “State” substitute “Government”.

Omit the definition of Naib Ahilkar.

Section IV.—Omit this section.

Section V.—For “as notified under the provisions of the preceding section” substitute “fixed under the provisions of the Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898)”.

Section VII(A).—For “Revenue Officer” substitute “Collector”; for “State” substitute “Government”; for “Section 7 of the Cooch Behar Public Demands Recovery Act (II of 1899)” substitute “the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)”.

Sections IX, XIII, XXI, XXVII, XXXII and XXXIII.—For “State” substitute “Government”.

Section XVI.—For “State” substitute “district”.

Section XXXVII.—For the words “Naib Ahilkar may refer to any Sub-Naib Ahilkar subordinate to him” substitute “Deputy Collector in charge of a subdivision may refer to any other Deputy Collector or any Sub-Deputy Collector of the same station”; in clause 3, omit “or Sub-Naib Ahilkar”.

Schedule A.—For “State” substitute “district”, wherever it occurs.

LXIII of 1950.]

(Schedule I.)

(4) The Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898).

Throughout the Act.—For “State” substitute “Government”.

(5) The Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903).

Throughout the Act.—For “Cooch Behar Gazette” substitute “Official Gazette”; for “His Highness the Maharaja in Council”, or “His Highness the Maharaja Bhup Bahadur in Council” substitute “State Government”; for “His Highness in Council” substitute “State Government”.

Section V.—In sub-section (13) for “His Highness the Maharaja” substitute “State Government”.

Section VIII.—For “to him may seem fit” substitute “may be specified in the notification”.

Section XI.—For “Fouzdari Ahilkar” substitute “District Magistrate”; for “State Engineer” substitute “Executive Engineer”; for “Naib Ahilkars” substitute “Officers”.

Section XIII.—For “the State” substitute “Government”.

Section XV.—For “His Highness the Maharaja” substitute “State Government”; for “State Funds” substitute “Consolidated Fund of the State”.

Section XVII.—For “His Highness the Maharaja” substitute “State Government”.

Section XX.—Omit “provided that when a member of the State Council is also a member of the Town Committee, he and not the Vice-Chairman, shall preside”.

Section XXIX.—For “The accounts of the Town Committee shall be subject to audit by the Audit Office of the State in the way that accounts of all other departments of the State are so subject” substitute “The Town Committee shall make arrangements, subject to the approval of the State Government, for the examination and audit of accounts of the Committee and may direct the publication of such accounts”.

Section XLIIIA.—For this section substitute the following:—

“Powers and duties of Chaukidars appointed under this Act.

XLIIIA. Chaukidars appointed under this Act shall exercise all the powers and perform all the duties and be subject to all the liabilities of police officers as prescribed by any law for the time being in force so far as such powers, duties and liabilities are not inconsistent with or otherwise expressly provided for by this Act.”

(Schedule I.)

Sections XLV and XLVI.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

Section XLVII.—For “State” substitute “Government”.

Section L.—For “State” substitute “Government”.

Section LXVIII.—For “State” substitute “Government”.

Section LXLII.—For “His Highness the Maharaja” substitute “Government”.

Section C.—For “State” substitute “Government”.

(6) The Cooch Behar Tenancy Act, 1910 (Cooch Behar Act V of 1910).

Throughout the Act.—For “Naib Ahilkar” substitute “Deputy Collector”; for “State Council” substitute “Government”; for “State”, wherever it occurs in the expression “not paying revenue to the State”, substitute “Government”.

Preamble.—For “State” substitute “district”.

Section 1.—For sub-section (2), substitute—

“(2) It shall apply to the whole of the district of Cooch Behar.”

Section 3.—In clause (a) of sub-section (1) for “State” substitute “Government”; in sub-section (3) omit “in the State”; in sub-section (5) for “State” substitute “Government”; in sub-section (8) for “State” substitute “Government”; in sub-section (9) for “State” substitute “Government”; omit sub-section (16); in sub-section (20) for “State” substitute “district”; in sub-section (23) for “State” substitute “Government” and omit “in the State”; in sub-section (27) omit “as introduced into the State”.

Section 4.—Omit “as introduced into the State”.

Section 5.—In clause (a) for “State” substitute “Government”.

Section 8.—In the explanation, for “State” substitute “Government”.

Section 10.—In the proviso for “State” substitute “district”.

Section 18A.—For “State” substitute “Government”.

Section 34.—Omit “of the State”.

Section 36.—In sub-section (1) for “His Highness in Council” substitute “State Government”.

Section 39A.—In sub-section (1) omit “as introduced into the State”.

Section 39B.—For “the Cooch Behar Limitation Act, 1921” substitute “any other law for the time being in force”.

LXIII of 1950.]

(Schedule I.)

Section 41.—Omit “in force in the State”.

Section 47.—For “Civil Judge”, where it occurs for the first time, substitute “District Judge, Additional Judge or Subordinate Judge”; for “His Highness in Council” substitute “High Court”; in the proviso for “Civil Judge” substitute “District Judge”.

Section 49.—For the words “Revenue Minister” in the second paragraph, substitute “Dewan or Revenue Minister of Cooch Behar or by the Chief Commissioner or the Collector”.

Section 58.—In the proviso to sub-section (2) for “His Highness in Council” substitute “State Government”.

Section 65.—In sub-section (3) after “appears” insert “to the Court” and for “Civil Judge” substitute “District Judge”.

Section 66.—For “State” substitute “district”.

Section 68A.—In sub-section (2) for “Civil Judge” substitute “District Judge”.

Section 73.—In sub-section (4) for “State” substitute “Government”.

Section 79.—For “Revenue Minister” substitute “Collector”.

Section 82.—Omit “as introduced into the State” from both the sub-sections (1) and (2).

Section 88.—For “State” substitute “Government”.

Section 89.—For “State” substitute “Government”.

Schedule V.—In Part II, for “Civil Judge” substitute “District Judge”; for “Revenue Minister” substitute “Collector”.

In Part III, for “Cooch Behar Limitation Act, 1921” substitute “Indian Limitation Act, 1908”.

(7) The Cooch Behar Municipal Act, 1944 (Cooch Behar Act III of 1944).

Throughout the Act.—For “State” substitute “district”, except where otherwise specifically provided; for “Cooch Behar Gazette” substitute “Official Gazette”; for “Durbar” substitute “State Government”; for “Fouzdari Ahilkar” substitute “District Magistrate”.

Section 1.—In sub-section (2) omit “after publication in the Cooch Behar Gazette with the assent of His Highness the Maharaja Bhup Bahadur”.

Section 4.—In sub-clause (b) of clause (10) for “His Highness the Maharaja Bhup Bahadur in Council” substitute “State Government”.

Omit clause (15).

(Schedule I.)

Section 15.—For clause (ii) of sub-section (2) substitute “(ii) is a citizen of India, and”.

Section 25.—In sub-section (1) omit “and section 171J of the Cooch Behar Penal Code concerning an election under this Act”; in clause (c) of sub-section (1) omit “section 171J of the Cooch Behar Penal Code concerning an election under this Act and”; in sub-section (3) omit “and section 171J of the Cooch Behar Penal Code concerning an election under this Act”.

Section 26.—In sub-section (1) for “Civil Judge of the State” substitute “District Judge”; in clause (a) of sub-section (2) insert “1908” after “Code of Civil Procedure”.

Section 33.—In clause (b) of sub-section (1), for “His Highness the Maharaja Bhup Bahadur, his heirs and successors” substitute “the Union of India”.

Section 60.—For “State” substitute “Government”.

Section 63.—In sub-section (3), for “Cooch Behar Registration Act, 1921” substitute “Indian Registration Act, 1908”.

Section 65.—In clause (c), for “State funds by His Highness the Maharaja Bhup Bahadur or by the Durbar” substitute “Consolidated Fund of the State”.

Section 74.—For this section substitute the following:—

“**Audit of** 74. The accounts of the Municipal Funds shall **accounts.** be audited at such times and in such manner as the State Government may prescribe.”

Section 122.—In the first proviso to sub-section (1) for “State” substitute “Government”.

Section 190.—For clauses (a) and (b) substitute—

“(a) prescribing the standard weights and measures to be used within the municipality, namely,—

- (i) Government standard weights, that is to say, one maund consisting of 40 seers, one seer consisting of 80 tolas and one tola consisting of 180 grains; or
- (ii) a standard cubit consisting of 18 inches for the measure of commodities other than land; or
- (iii) both the weights and the measure of length mentioned in sub-clauses (i) and (ii) respectively;

(b) providing standards of the weights and measures so prescribed;”.

LXIII of 1950.]

(Schedule I and Schedule II.)

Section 191.—For sub-section (1) substitute—

“(1) Where the Commissioners of any municipality have made by-laws under section 190 prescribing standard weights and measures to be used within the municipality, they may, at a meeting by an order published in the prescribed manner, prohibit the use within the municipality of any maund, seer or tola or any cubit measure other than such as conform with the standard prescribed in the said by-laws.”.

In sub-section (2) for the words “when such standard weights or measures or both are in force” substitute “when such order has been published”.

Section 193.—For “Cooch Behar Food Adulteration Act, 1941” substitute “Bengal Food Adulteration Act, 1919”.

Sections 221 and 234.—For “Cooch Behar Penal Code” substitute “Indian Penal Code”.

Section 227.—In clause (c) of sub-section (1) for “His Highness the Maharaja Bhup Bahadur of Cooch Behar” substitute “State Government”.

SCHEDULE II.

[See section 3(3).]

(1) The Bengal Land Revenue Sales Act, 1859 (XI of 1859).

(2) The Bengal Land Revenue Sales Act, 1868 (Bengal Act VII of 1868).

(3) The Village Chaukidari Act, 1870 (Bengal Act VI of 1870).

(4) The Bengal Village Chaukidari Act, 1871 (Bengal Act I of 1871).

(5) The Cess Act, 1880 (Bengal Act IX of 1880).

(6) The Bengal Tenancy Act, 1885 (VIII of 1885).

(7) The Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).

(8) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).

West Bengal Act LXIV of 1950

THE BENGAL SHOPS AND ESTABLISHMENTS (WEST BENGAL AMENDMENT) ACT, 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette* of the 28th December, 1950.]

An Act to amend the Bengal Shops and Establishments Act, 1940.

Ben. Act
XVI
1940

WHEREAS it is expedient to amend the Bengal Shops and Establishments Act, 1940 for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Bengal Shops and Establishments (West Bengal Amendment) Act, 1950. Short title.

2. In section 2 of the Bengal Shops and Establishments Act, 1940 (hereinafter referred to as the said Act),—

Amend-
ment of
section 2
of Bengal
Act XVI
of 1940.

(a) to clause (I) the following words shall be added, namely:—

“or for any other purpose whatsoever relating to business”;

(b) in clause (I2) after the words “cash or on credit, and” the following words shall be inserted, namely:—

“includes any offices, store-rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such sale or with the storage of commodities or articles for the purpose of such sale and also includes”;

(c) in clause (I3) the word “and” at the end shall be omitted;

(d) to clause (I4) the word “and” shall be added; and

(e) after clause (I4) the following clause shall be added, namely:—

“(I5) ‘young person’ means a person who has not completed his seventeenth year”.

3. In section 5 of the said Act, in clause (p) of sub-section (I) after the word “goods”, the words and figures “, except the provisions of sections 11 and 12” shall be added.

Amend-
ment of
section 5.

4. In sub-section (I) of section 7 of the said Act,—

Amend-
ment of
section 7.

(a) after the words “No shop” the words “shall be opened before the hour of eight o’clock *ante meridiem* or” shall be inserted; and

2 *The Bengal Shops and Establishments (West
Bengal Amendment) Act, 1950.*

[West Ben. Act

(Sections 5, 6.)

- (b) for the words “such hour” in the two places where they occur the words “the last-mentioned hour” shall be substituted.

Insertion
of new
section
10A.

5. After section 10 of the said Act the following section shall be inserted, namely:—

“Special provisions 10A. Notwithstanding anything for young persons. contained in this Act—

- (a) no young person employed in a shop or establishment for public entertainment or amusement shall be required or permitted to work in such shop or establishment for more than seven hours in any one day or for more than forty hours in any one week; and
- (b) the periods of work of young persons in such shop or establishment during each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.”.

Amend-
ment of
section 12.

6. In section 12 of the said Act,—

(1) in clause (a),—

- (i) the words “a total period not exceeding” shall be omitted; and
- (ii) the word “and” shall be omitted;

(2) after clause (a) the following clause shall be inserted, namely:—

“(aa) in every year, to sick leave on half pay for fourteen days on medical certificate obtained from a medical practitioner registered under the Bengal Medical Act, 1914, and”;

Ben. Act
VI of 1914

(3) in clause (b),—

- (i) for the words “half pay” the words “full pay” shall be substituted; and
- (ii) the words “a total period not exceeding” shall be omitted, and

(4) in the proviso,—

- (a) in clause (i) the word “and” shall be omitted; and
- (b) after clause (i) the following clause shall be inserted, namely:—

“(ia) sick leave admissible under clause (aa) may be accumulated up to a maximum of not more than fifty-six days; and”.

LXIV of 1950.]

(Sections 7—10.)

7. In section 13 of the said Act, for the word “one-quarter” the word “one-half” shall be substituted.

Amend-
ment of
section 13.

8. After section 13 of the said Act the following section shall be inserted, namely:—

Insertion
of new sec-
tion 13A.

“13A. (1) No person who has been employed in a shop or establishment for public entertain-
ment or amusement, for a continuous
period of not less than twelve months,
shall, without sufficient cause, have his services terminated
until he has been given one month's previous notice or has
been paid one month's wages in lieu of such notice.

(2) Any person employed in such shop or establishment whose services have been terminated in contravention of the provisions of sub-section (1) may make an application to a Presidency Magistrate or a Magistrate of the First Class alleging such termination and if such Magistrate is satisfied that the services of such person have been terminated without sufficient cause, he may, for reasons to be recorded in writing, direct that the shopkeeper or the employer shall pay one month's wages as compensation to such person and thereupon the shopkeeper or the employer shall pay to such person the amount of compensation so directed to be paid.

(3) The amount of compensation payable under this section shall, for purposes of its recovery, be deemed to be a fine imposed under this Act.

(4) For the avoidance of doubt it is hereby declared that the provisions of sub-sections (2) and (3) shall be in addition to and not in derogation of the provisions of section 17 and that nothing in sub-section (2) of section 18 shall be deemed to require any complaint to be made under that sub-section before an application is made under sub-section (2).”

9. In section 16 of the said Act, for the words beginning with “of that place and of any prescribed record, register” and ending with “explanation of any prescribed record, register or notice” the following words shall be substituted, namely:—

Amend-
ment of
section 16.

“, as may be prescribed, of that place and of any document therein, including, in particular any prescribed record, register or notice or any municipal licence, account book or ledger and may require such explanation of any such document”.

10. In section 17 of the said Act,—

(a) in sub-section (1), for the word and figures “or 10”, the figures, letters, words and brackets “10, 10A, 13A or sub-section (2) of section 20” shall be substituted; and

Amend-
ment of
section 17.

4 The Bengal Shops and Establishments (West Bengal Amendment) Act, 1950.

[West Ben. Act LXIV of 1950.]

(Section 11.)

(b) in sub-section (2),—

(i) for the words “prescribed record, register or notice,” the words and figures “document referred to in section 16” shall be substituted; and

(ii) for the words “produce it” the words “produce such document or give explanation thereof” shall be substituted.

**Amend-
ment of
section 20.**

11. Section 20 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added thereafter, namely:—

“(2) No person shall interfere with the enjoyment of any right or privilege protected under sub-section (1).”.

West Bengal Ordinance No. I of 1950

THE CALCUTTA SPECIAL TRIBUNAL (CHANGE OF COMPOSITION) ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 11th January, 1950.]

WHEREAS it is expedient to provide for a change in the composition of the First Special Tribunal at Calcutta, with a view to expediting the disposal of cases pending before it;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the Governor-General under the proviso to sub-section (I) of section 88 of the Government of India Act, 1935, have been obtained;

26 Geo.
V, c. 2.

The Governor is pleased in exercise of the power conferred by sub-section (I) of the said section to make and promulgate the following Ordinance, namely:—

1. (I) This Ordinance may be called the Calcutta Special Tribunal (Change of Composition) Ordinance, 1950.

Short
title
and
commen-
cement.

(2) It shall come into force at once.

2. In this Ordinance,—

Defini-
tions.

Ord. No.
XXIX of
1943. Ben.
Act XII of
1946.

(a) "the principal Ordinance" means the Criminal Law Amendment Ordinance, 1943 as modified by the Bengal Special Tribunal (Continuance) Act, 1946;

(b) "the Tribunal" means the Special Tribunal sitting at Calcutta known as the First Special Tribunal at Calcutta.

3. (I) As from the commencement of this Ordinance, the principal Ordinance shall apply in relation to the Tribunal and to the cases not disposed of by it before the commencement of this Ordinance subject to the following modifications, namely:—

Change
of compo-
sition
of the
Tribunal.

(a) in sub-section (I) of section 4, for the words "three members", the words "two members" shall be substituted;

(b) sub-section (IA) of section 6 shall be omitted; and

(c) for sub-section (4) of section 6, the following sub-section shall be substituted:—

"(4) In the event of a difference of opinion among the members of the Special Tribunal as to the finding, sentence or order to be passed in a case,—

(a) the President shall report to the Provincial Government, and notwithstanding anything contained in sub-section (I) of section 4, the Provincial Government shall appoint to the

2 *The Calcutta Special Tribunal (Change of Composition)*
Ordinance, 1950.

(Section 3.)

[West Ben. Ord. No. 1 of 1950.]

Special Tribunal a third member who shall be a person qualified under sub-section (3) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court;

26 Geo.
V, c. 2.

- (b) the Special Tribunal as so constituted shall re-hear the prosecutor and the accused or his pleader (but not any witness who has given evidence), and deliver judgment in the case; and
- (c) in the event of any difference of opinion among the members of the Special Tribunal as so constituted, the opinion of the majority shall prevail”.

(2) Notwithstanding the change in the composition of the Tribunal effected by sub-section (1), it shall not be necessary for the Tribunal to recommence any proceedings or to recall and re-hear any witness who has given evidence before such change, and it shall be lawful for the Tribunal to act on the evidence already recorded by or produced before it.

West Bengal Ordinance No. II of 1950

THE WEST BENGAL DISTRICT BOARDS (AMENDMENT) ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 17th
January, 1950.]

West Ben.
Act III of
1947.

WHEREAS it is expedient further to amend the West Bengal District Boards Act, 1947 for the purpose herein-after appearing;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

26 Geo.
V, c. 2.

The Governor is pleased in exercise of the power conferred by sub-section (1) of section 88 of the Government of India Act, 1935 to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal District Boards (Amendment) Ordinance, 1950.

Short title
and
commence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

West Ben.
Act III of
1947.

2. In the proviso to section 5 of the West Bengal District Boards Act, 1947 for the words "two years and six months" the words "two years and ten months" shall be substituted.

Amend-
ment of
section 5
of West
Bengal Act
III of
1947.

Price—Indian, annas 2; English, 3d.

West Bengal Ordinance No. III of 1950

THE BENGAL MEDICAL (WEST BENGAL AMENDMENT) ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 21st January, 1950.]

Ben.
Act VI of
1914.

WHEREAS it is expedient further to amend the Bengal Medical Act, 1914 for the purposes hereinafter appearing;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

26 Geo.
V, c. 2.

AND WHEREAS the instructions of the Governor-General under the proviso to sub-section (1) of section 88 of the Government of India Act, 1935 have been obtained;

The Governor is pleased in exercise of the power conferred by sub-section (1) of the said section to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Bengal Medical (West Bengal Amendment) Ordinance, 1950.

Short title
and
commence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. To section 4 of the Bengal Medical Act, 1914 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

Amend-
ment of
section 4
of Bengal
Act VI of
1914.

“Provided further that no registered practitioner shall be entitled to vote or stand as a candidate for election at an election of members to be elected under clauses (f), (g) or (h) unless he is a British subject of Indian domicile and either resides or carries on his profession or is employed in West Bengal.”

3. In section 6 of the said Act—

Amend-
ment of
section 6.

(i) at the end of clause (b), the word “or” shall be omitted,

(ii) to clause (c) the word “or” shall be added, and

(iii) after clause (c) the following clause shall be added, namely:—

“(d) is not a British subject of Indian domicile either residing or carrying on his profession or employed in West Bengal.”

West Bengal Ordinance No. IV of 1950

THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) AMENDMENT ORDINANCE, 1950.

*[Published in the "Calcutta Gazette, Extraordinary", of the 21st
January, 1950.]*

West Ben.
Act VIII
of 1948.

WHEREAS it is expedient to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948 for the purposes hereinafter appearing;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

26 Geo.
V, c. 2.

The Governor is pleased in exercise of the power conferred by sub-section (1) of section 88 of the Government of India Act, 1935 to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Corporation of Calcutta (Temporary Supersession) Amendment Ordinance, 1950. Short title and commencement.

(2) It shall come into force at once.

2. Clause (c) of sub-section (1) of section 4 of the Corporation of Calcutta (Temporary Supersession) Act, 1948 (hereinafter referred to as the said Act), shall be omitted and shall be deemed always to have been omitted. Amendment of section 4.

3. After section 8 of the said Act, the following section shall be inserted and shall be deemed always to have been inserted, namely:— Insertion of new section 8A.

“8A. (1) Nothing in this Act or in any other law shall Corporation to continue as a body corporate and proceedings to be in its name. be construed as effecting or implying in any way the dissolution of the Corporation as a body corporate.”

(2) Notwithstanding anything in this Act or in any other law, suits, prosecutions and other legal proceedings shall be instituted, defended or continued in the name of the Corporation in like manner as immediately before the commencement of this Act.”

Price—Indian, annas 2; English, 3d.

West Bengal Ordinance No. V of 1950

THE CALCUTTA MUNICIPAL (AMENDMENT) ORDINANCE, 1950.

*[Published in the "Calcutta Gazette, Extraordinary", of the
25th April, 1950.]*

Ben. Act
II of
1923.

WHEREAS it is expedient to amend the Calcutta Municipal Act, 1923 for the purpose hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Calcutta Municipal (Amendment) Ordinance, 1950.

Short title
and com-
mence-
ment.

(2) It shall come into force at once.

2. In sub-section (2) of section 140 of the Calcutta Municipal Act, 1923 (hereinafter referred to as the said Act), after the words "Deputy Executive Officer" the words "or any officer specially appointed by the Corporation with the approval of the State Government for hearing objections" shall be inserted.

Amend-
ment of
section 140
of Bengal
Act III of
1923.

3. In sub-section (2) of section 142 of the said Act, the words "by the Executive Officer or Deputy Executive Officer" shall be omitted.

Amend-
ment of
section
142.

West Bengal Ordinance No. VI of 1950

THE WEST BENGAL DENTAL BOARD ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of
the 15th May, 1950.]

WHEREAS it is expedient that the West Bengal Dental Board shall continue to be constituted as heretofore until the 31st day of December, 1950;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal Dental Board Ordinance, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date of its publication in the *Official Gazette*.

2. Notwithstanding anything contained in any Act, notification, order or other law, the West Bengal Dental Board shall be deemed to consist, up to the 31st day of December, 1950, of the members holding office as members of the said Board immediately before the commencement of this Ordinance and the term of office of such members shall extend up to that date.

Short title,
extent and
commence-
ment.

Constitu-
tion of the
West
Bengal
Dental
Board to
continue
as hereto-
fore.

Price—Indian, annas 2; English, 3d.

West Bengal Ordinance No. VII of 1950

THE WEST BENGAL DISTURBANCES COMMISSION OF ENQUIRY ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 3rd June, 1950.]

WHEREAS a Commission of Enquiry has been appointed to enquire into the recent disturbances in West Bengal;

AND WHEREAS it is expedient to vest the said Commission of Enquiry with powers of a Civil Court;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal Disturbances Commission of Enquiry Ordinance, 1950.

Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date of its publication in the *Official Gazette*.

2. The Commission of Enquiry appointed under Resolution of the Government of West Bengal, in the Home Department, No. 2394-C.R./CR-475/50Pt.II, dated the 13th May, 1950, (hereinafter referred to as the Commission) shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. The Commission shall furthermore have the same powers of dealing with contempt of the Commission or any of its members or of, or in respect of, any proceedings of the Commission as if the Commission were a High Court referred to in article 214 of the Constitution of India.

Powers of Commission of Enquiry.

Act V of 1898.

3. Except in a prosecution for giving false evidence, no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceedings:

Statements made by persons to the Commission.

Provided that such statement—

(a) is one which the Commission permits or requires to be made before it by such person; and

(b) is relevant to the subject matter of the inquiry.

Price—Indian, annas 2; English, 3d.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Ordinance No. VIII of 1950

The Indian Red Cross Society
(Bengal Branch) (Amendment)
Ordinance, 1950

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 2; English, 3d.

West Bengal Ordinance No. VIII of 1950

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) (AMENDMENT) ORDINANCE, 1950.

an. Act
III of
1950.

WHEREAS it is expedient to make better provision for the administration and working of the Bengal Provincial Branch of the Indian Red Cross Society and for that purpose to amend the Indian Red Cross Society (Bengal Branch) Act, 1920 (hereinafter referred to as the said Act);

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950.

Short
title and
com-
mence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. In section 4 of the said Act, for the word “twelve” the word “thirteen” shall be substituted.

Amend-
ment of
section 4
of Bengal
Act VIII
of 1920.

3. After section 6 of the said Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
after
section 6.

“Position after the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950.

6A. As from the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950 (elsewhere in this Act referred to as the Ordinance)—

(a) section 6 shall cease to apply and the rules made thereunder shall stand cancelled;

(b) the Managing Body, as constituted and existing or purported to be constituted and existing immediately before the commencement of the Ordinance shall stand dissolved and the term of office of the Chairman of the Managing Body, of the Treasurer of the Society and of every member of the Managing Body shall terminate;

(c) sections 6B, 6C, 6D, 6E and 6F shall apply in place of section 6.

Composition of the Managing Body.

6B. The Managing Body shall consist of the following members, namely:—

(a) the Vice-Chancellor of the University of Calcutta, or a person nominated by him;

[West Ben. Ord.

(Section 3.)

- (b) the Administrative Officer appointed under the Corporation of Calcutta (Temporary Supersession) Act, 1948, so long as that Act is in force and thereafter the Mayor of the Corporation of Calcutta, or a person nominated by the Administrative Officer or the Mayor of the Corporation of Calcutta, as the case may be; West Ben. Act VIII of 1948.
- (c) the Director of Health Services, West Bengal;
- (d) a representative of the State Government, not being the Director of Health Services, West Bengal, appointed by the State Government;
- (e) the President of the Bengal Chamber of Commerce;
- (f) the President of the Bengal National Chamber of Commerce;
- (g) the President of the Indian Chamber of Commerce;
- (h) the President of the Bharat Chamber of Commerce;
- (i) three members of the Society elected at a general meeting of the Society;

Provided that no member of the Society shall be qualified to vote for the election of the members of the Managing Body at such meeting unless he has continuously been a member of the Society for at least six months before the date of such meeting and unless his subscription is not in arrears:

Provided further that such election of members of the Managing Body shall, in the case of the first election after the commencement of the Ordinance, be held at an extraordinary general meeting of the Society and in the case of elections subsequent thereto, at the annual general meeting of the Society; and

- (j) the two members of the Society appointed by the President of the Society as the Chairman of the Managing Body and the Treasurer of the Society.

President, Chairman,
Treasurer and *ex-officio*
members.

6C. (1) The Governor of West Bengal shall be the President of the Society.

(2) The President of the Society shall as soon as may be after the commencement of the Ordinance by order in writing, and thereafter at every annual general meeting by announcement, appoint two of the members of the Society to be respectively the Chairman of the Managing Body and the Treasurer of the Society.

No. VIII of 1950.]

(Section 3.)

(3) The members of the Managing Body referred to in clauses (a) to (h) of section 6B and the President of the Society shall be *ex-officio* members of the Society.

Vacancies.

6D. (1) If any vacancy occurs in the office of a member of the Managing Body elected to the Managing Body under clause (i) of section 6B, by reason of death or resignation, the Managing Body shall appoint a member of the Society to fill the vacancy.

(2) If any vacancy occurs in the office of the Chairman of the Managing Body or the Treasurer of the Society, by reason of death or resignation, the President shall appoint another member of the Society to fill the vacancy.

Power to make rules and power to act notwithstanding vacancy.

6E. (1) The Managing Body may, subject to other provisions of this Act, make rules for the administration, management and control of the Society and for all matters ancillary or incidental to those purposes, and such rules may, *inter alia* make provisions for all or any of the following, namely:—

- (a) the grades of members and the terms and conditions of different grades of membership;
- (b) the appointment of associates and the terms and conditions of associateship;
- (c) the powers to be exercised by the Managing Body;
- (d) the procedure of the Society and the Managing Body;
- (e) the constitution of Committees and the delegation of powers to them;
- (f) the constitution of Branches of the Society and the delegation of powers to them;
- (g) the acquisition and the disposal of properties on behalf of the Society;
- (h) entering into agreements and contracts on behalf of the Society and executing documents on its behalf and the affixing of the seal of the Society;
- (i) investing the funds of the Society;
- (j) the audit and the accounts of the funds of the Society;
- (k) the relations with the Indian Red Cross Society and contribution of sums to that Society;
- (l) the interpretation of rules made under this sub-section.

(2) All rules made as aforesaid shall be laid before a general meeting of the Society, annual or extraordinary, and shall come into force if and when approved at such general meeting.

4 *The Indian Red Cross Society' (Bengal Branch)*
 (Amendment) Ordinance, 1950.

[West Ben. Ord.]

(Section 4.)

(3) The Managing Body shall be deemed to be duly constituted and shall have power to act, to meet, to transact business and exercise its powers under sub-sections (1) and (2), notwithstanding any vacancy among its members.

Transitory provisions and savings. 6F. (1) The rules in the Schedule shall be deemed to be rules made by the Managing Body under sub-section (1) of section 6E, and shall be in force as if they were duly laid before and approved at a general meeting of the Society under sub-section (2) of that section and may be added to, amended, varied or rescinded under that section.

(2) Notwithstanding anything contained in the foregoing sections, all appointments made under rule 22, and all standing orders made under rule 23 of the rules under section 6 which were in force immediately before the commencement of the Ordinance and are not inconsistent with this Act, shall be deemed to have been made under the corresponding provisions of the rules in the Schedule.”.

Insertion
of Sched-
ule.

4. At the end of the said Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE.

[See section 6F(1).]

Rules under sub-section (1) of section 6F of the Indian Red Cross Society (Bengal Branch) Act, 1920.

CHAPTER I.

INTRODUCTORY.

Citation.

1. These rules may be called the Rules of the Bengal Provincial Branch of the Indian Red Cross Society.

Defini-
tions.

2. In these rules, unless the context requires otherwise—

- (a) ‘the Act’ means the Indian Red Cross Society (Bengal Branch) Act, 1920;
- (b) ‘the Chairman’ means the Chairman of the Managing Body;
- (c) ‘the Managing Body’ means the Managing Body of the Society;
- (d) ‘the Ordinance’ means the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950;
- (e) ‘the President’ means the President of the Society;
- (f) ‘the Society’ means the Bengal Provincial Branch of the Indian Red Cross Society.

Ben. Act
VIII of
1920.

No. VIII of 1950.]

(Section 4.)

CHAPTER II.

MEMBERS AND ASSOCIATES.

3. In addition to *ex-officio* members, there shall be the following grades of members of the Society, namely:—

Grades of members.

- (a) Honorary Vice-Presidents,
- (b) Patrons,
- (c) Vice-Patrons,
- (d) Ordinary members.

4. A person shall be an Honorary Vice-President if he subscribes a sum of Rs. 10,000 or more to the funds of the Society.

Honorary Vice-Presidents.

5. A person shall be a Patron if he subscribes a sum less than Rs. 10,000 but not less than Rs. 2,000 to the funds of the Society.

Patrons.

6. A person shall be a Vice-Patron if he subscribes a sum less than Rs. 2,500 but not less than Rs. 500 to the funds of the Society.

Vice-Patrons.

7. A person shall be an ordinary member if he signifies his intention to become a member and pays an annual subscription to the funds of the Society of Rs. 12 or a consolidated subscription of Rs. 150.

Ordinary members.

8. The Managing Body may elect any person for services rendered to the Society to be a member of any grade referred to in clauses (a), (b), (c), or (d) of rule 3.

Power to elect members.

9. A person who immediately before the commencement of the Ordinance was a Honorary Vice-President, a Patron, a Vice-Patron or a member of the Society shall continue to be a Honorary Vice-President, a Patron, a Vice-Patron or an ordinary member as the case may be.

Existing members to continue.

10. (1) A person shall be an associate if he signifies his intention to become an associate and pays an annual subscription of Rupee 1 or a consolidated subscription of Rs. 50 to the funds of the Society.

Associates.

(2) No associate shall be a member of the Society.

(3) A person who was an associate immediately before the commencement of the Ordinance shall continue to be an associate.

CHAPTER III.

GENERAL MEETINGS.

11. (1) An annual general meeting of the Society shall be held every year at the headquarters of the Society upon a date to be fixed by the Chairman.

Annual and extra-ordinary general meetings.

6. *The Indian Red Cross Society (Bengal Branch)*
(Amendment) Ordinance, 1950.

[West Ben. Ord.]

(Section 4.)

(2) An extraordinary general meeting of the Society may be convened at any time by the President for any purpose connected with the Society.

Notice.

12. Notice of every general meeting of the Society, whether annual or extraordinary, shall be given to all members of the Society at least fifteen days before the date fixed for the meeting and the business to be transacted at such meeting shall be specified in the notice.

Business which may be transacted at general meetings and quorum.

13. (1)(a) At each annual general meeting of the Society—

(i) three members of the Society shall be elected to the Managing Body under clause (i) of section 6B of the Act;

(ii) the President shall appoint the Chairman of the Managing Body and the Treasurer of the Society;

(iii) the annual report, the annual accounts and the budget shall be presented and considered; and

(iv) any other business specified in the notice may be transacted with the assent of the President.

(b) The annual accounts shall be circulated to all members of the Society along with the notice for the annual general meeting and, after being passed at the annual general meeting shall be published in the Press.

(2) At an extraordinary general meeting of the Society no business not specified in the notice for the meeting, shall be transacted.

(3) The quorum for a general meeting of the Society, whether annual or extraordinary, shall be ten.

Presiding officer.

14. The President shall preside at every general meeting of the Society, whether annual or extraordinary, and in the absence of the President, the Chairman or some other person appointed by the Chairman shall preside over such general meeting.

Voting.

15. (1) Subject to the provisions of clause (i) of section 6B of the Act, at every general meeting of the Society, whether annual or extraordinary, all questions shall be decided by votes of the members of the Society present, taken by show of hands.

(2) In case of an equality of votes, the person presiding at the meeting shall have a casting vote.

CHAPTER IV.

MANAGING BODY.

Vice-Chairman.

16. The Managing Body shall every year, at the first meeting held after the annual general meeting of the Society, elect from among themselves a Vice-Chairman, who in the absence of the Chairman shall conduct the duties of the Chairman and exercise his power.

The Indian Red Cross Society (Bengal Branch)
(Amendment) Ordinance, 1950.

No. VIII of 1950.]

(Section 4.)

17. An ordinary meeting of the Managing Body shall be held at least once a quarter at such time and at such place as may be fixed by the Chairman. At the meeting held in the first quarter of the year the annual budget of the Society shall be dealt with. Quarterly meetings.
18. An extraordinary meeting of the Managing Body may be called at any time by the Chairman. Extraordinary meeting.
19. Upon a requisition in writing made by any three members of the Managing Body, the Chairman shall call an extraordinary meeting. Requisition for meetings.
20. Seven days' clear notice of any meeting of the Managing Body, specifying the place, day and hour of the meeting and the general nature of the business to be transacted, shall be given to every member of the Managing Body by notice sent by post; provided that the accidental omission to give such notice to any of the members shall not invalidate any resolution passed at such meeting. Notice of meeting.
21. At meetings of the Managing Body three members shall form a quorum. Quorum.
22. If no quorum is present within ten minutes of the time fixed for a meeting of the Managing Body, the meeting shall be adjourned for one week to the same time and place. At such adjourned meeting the business for which the meeting was called may be transacted, whether a quorum is present or not. Adjourned meetings.
23. In the event of an equality of votes at any meeting of the Managing Body, the Chairman shall have a casting vote. Casting vote.
24. (1) The Managing Body may, subject to the provisions of the Act, exercise all such powers and do all such things as may be exercised or done by the Society, except in so far as express provision is made otherwise by these rules. General powers of the Managing Body.
- (2) In particular and without prejudice to the provisions of sub-rule (1), the Managing Body shall have the power--
- (a) to acquire whether by purchase or lease any immovable property;
 - (b) to sell, lease or otherwise dispose of any immovable property vested in the Society on such terms as the Managing Body may consider beneficial to the Society; and
 - (c) to invest the funds of the Society and from time to time as they may think expedient to change such investments.

8 *The Indian Red Cross Society (Bengal Branch)*
 (Amendment) Ordinance, 1950.

[West Ben. Ord. No. VIII of 1950.]

(Section 4.)

- Seal.** 25. The seal of the Society shall not be affixed to any instrument except in pursuance of a resolution of the Managing Body and at least two members of the Managing Body shall sign every instrument to which the seal is affixed.
- Officers.** 26. (1) The Managing Body shall appoint the Director and the General Secretary.
 (2) All other appointments shall be made by the Chairman, subject to the control of the Managing Body.
- Standing orders.** 27. The Managing Body shall have power to make standing orders regulating its own procedure, the procedure of Committees appointed by it, and the duties of the Officers of the Society.
- Representation on Indian Red Cross Society.** 28. The Managing Body may, from time to time, appoint one or more members of the Society to represent the Society at meetings of the Indian Red Cross Society or to serve on Committees convened by that Society for the consideration of objects which concern the Society, and may sanction all reasonable expenditure for such purposes.
- Contribution to Indian Red Cross Society.** 29. The Managing Body, shall pay to the Managing Body of the Indian Red Cross Society towards the general expenses of that Society 10 *per cent.* of all subscriptions or consolidated subscriptions received from members and associates, subject to the limitation that the amount so payable on account of any single subscription shall not exceed Rs. 1,000. This rule shall not apply to gifts or payments other than subscriptions received by the Society.

CHAPTER V.

COMMITTEES.

- Appointment of Committees.** 30. The Managing Body shall from among the members of the Society annually constitute a Medical Committee, consisting of such members of the Society as it may determine and may, in its discretion, constitute such other Committees with such powers as it may think necessary.
- Duties of Medical Committee.** 31. The Medical Committee shall advise upon all technical questions which may be referred to it either by the Managing Body or the General Secretary.
- Proceedings of Committees.** 32. The proceedings of all Committees shall be laid before the Managing Body.

CHAPTER VI.

INTERPRETATION.

- Interpretation.** 33. If any doubt arises about the interpretation of these rules, the question may be referred to the President and the decision of the President shall be final."

West Bengal Ordinance No. IX of 1950

THE WEST DINAJPUR UNION BOARDS ORDINANCE, 1950.

Bon. Act
V of 1919.

WHEREAS under the award of the boundary commission, the local areas in the district of Dinajpur in the Province of Bengal which were originally declared under section 5 of the Bengal Village Self-Government Act, 1919 (hereinafter referred as the said Act) to be respectively the Binshira, Dhalpara and Hilli unions, fell partly within the Province of West Bengal and partly within the Province of East Bengal;

AND WHEREAS since the said award, doubts have arisen regarding the local areas of the Binshira, Dhalpara and Hilli unions and the membership and the tenure of membership of the Binshira, Dhalpara and Hilli union boards;

AND WHEREAS it is expedient to remove such doubts;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Dinajpur Union Boards Ordinance, 1950. Short title and commencement.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. In this Ordinance—

Definitions.

(a) “appointed day” means the date on which the award of the boundary commission came into force;

(b) “boundary commission” means the boundary commission referred to in the Indian Independence Act, 1947.

10 & 11
Geo. VI
c. 30.

3. On and from the appointed day, the Binshira, Dhalpara and Hilli unions shall, for the purposes of section 5 of the said Act, be deemed to comprise, respectively, of so much of the local areas originally declared under the said section to be the local areas of the said unions as are situated in the district of West Dinajpur. Local areas of Binshira, Dhalpara and Hilli unions.

4. On and from the appointed day, the Binshira, Dhalpara and Hilli union boards shall, for the purposes of section 6 of the said Act, be deemed to be constituted of such members of the said union boards who immediately before the appointed day were holding office as such members and were resident within areas now comprised in West Bengal. Membership of the Binshira, Dhalpara and Hilli union boards.

2 *The West Dinajpur Union Boards Ordinance, 1950.*

(West Ben. Ord. No. IX of 1950.)

(Section 5.)

**Term of
office of
members
of the Bin-
shira,
Dhalpara
and Hilli
union
boards.**

5. The members of the Binshira and Dhalpara union boards referred to in section 4 shall hold office up to the 2nd day of September, 1950 and the members of the Hilli union board referred to in the said section shall hold office up to the 8th day of April, 1951 and for any further periods which may elapse between the expiration of the said periods and the date of the first meeting at which a quorum is present, of the newly elected members after the next general election for the said union boards.

West Bengal Ordinance No. X of 1950

THE BENGAL FINANCE (SALES TAX) (WEST BENGAL AMENDMENT) ORDINANCE, 1950.

Ben. Act VI of 1941. WHEREAS it is expedient to amend the Bengal Finance (Sales Tax) Act, 1941, for the purposes and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India to make and promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950.

Short title and commencement.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. In section 15 of the Bengal Finance (Sales Tax) Act, 1941 (hereinafter referred to as the said Act), the words and figures “section 18 and” shall be omitted.

Amendment of section 15 of Bengal Act VI of 1941.

3. (1) Section 18 of the said Act is hereby repealed.

Repeal of section 18.

(2) All proceedings which were pending before the Commissioner of Commercial Taxes immediately before the commencement of this Ordinance under section 18 of the said Act are hereby discharged.

(3) No order passed before the commencement of this Ordinance by a person appointed under sub-section (1) of section 3 of the said Act to assist the Commissioner of Commercial Taxes shall be deemed to be or to have been invalid merely on the ground that such order determined or purported to determine directly or incidentally any question which the Commissioner of Commercial Taxes should have determined under section 18 of the said Act or shall be questioned by or in any court, tribunal or authority merely on such ground.

Price—Indian, annas 2; English, 3d.

WBGP-50/1-5508A-4M.

West Bengal Ordinance No. XI of 1950

THE WEST BENGAL SECURITY (AMENDMENT) ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 14th August, 1950.]

West Ben.
Act XIX
of 1950.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950, for the purposes and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal Security (Amendment) Ordinance, 1950. Short title and commencement.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. For clause (4) of section 2 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act) the following clause shall be substituted, namely:— Amendment of section 2 of West Bengal Act XIX of 1950.

“(4) ‘prejudicial report’ means any report, statement or visible representation which undermines the security of the State or tends to overthrow the State;”.

3. In section 13 of the said Act—

(a) for sub-section (1) the following sub-section shall be substituted, namely:— Amendment of section 13.

“(1) The State Government, if satisfied that the printing, publication, sale or distribution of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State, may by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(a) require that any matter relating to such subject or class of subjects shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the printing, publication, sale or distribution of any document or class of documents containing any matter relating to such subject or class of subjects;

(Section 3.)

- (c) prohibit or regulate the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931 for the purpose of printing any document or class of documents containing any matter relating to such subject or class of subjects.”; XXIII of 1931.
- (b) in sub-section (2) for the words, brackets and figures “published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document” the following words, brackets and figures shall be substituted, namely :—
- “printed, published, sold or distributed in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used for the purpose of printing such document.”

West Bengal Ordinance No. XII of 1950

THE LEGISLATIVE ASSEMBLY OF WEST BENGAL (REMOVAL OF DISQUALIFICATIONS) ORDINANCE, 1950.

*[Published in the "Calcutta Gazette, Extraordinary," of the 6th
September, 1950.]*

WHEREAS it is expedient to declare in accordance with the provisions contained in sub-clause (a) of clause (1) of article 191 of the Constitution of India that the holders of certain offices of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly:

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action:

The Governor is pleased, in exercise of the powers conferred by clause (1) of article 213 of the said Constitution, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Legislative Assembly of West Bengal (Removal of Disqualifications) Ordinance, 1950.

Short
title and
commence-
ment.

(2) It shall be deemed to have come into force immediately on the commencement of the Constitution of India.

2. It is hereby declared that a person shall not be disqualified for being chosen as, and for being, a member of the Legislative Assembly of West Bengal by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, namely:—

Removal
of certain
disquali-
fications
for mem-
bership.

(a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary;

(b) an office which is not a whole-time office remunerated either by salary or by fees.

Price—Indian, annas 2; English, 3d.

WBGP-50/1-0384A-4,500

West Bengal Ordinance No. XIII of 1950

THE WEST BENGAL COLLECTIVE FINES ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 14th
September, 1950.]

WHEREAS it is expedient to provide for the imposition of collective fines in connection with acts prejudicially affecting the maintenance of public order;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal Collective Fines Ordinance, 1950.

Short title
and com-
mence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. (1) If it appears to the State Government that the inhabitants of any area are concerned in or abetting the commission of acts prejudicially affecting the maintenance of public order (which term shall, without prejudice to the generality of its meaning, include public safety and communal harmony) or are harbouring persons concerned in the commission of such acts, or are failing to render all the assistance in their power to discover or apprehend such persons, or are suppressing material evidence of the commission of such acts, the State Government may, by notification in the *Official Gazette*, impose a collective fine on the inhabitants of that area.

Imposition
of collec-
tive fine on
inhabi-
tants of
area.

(2) The State Government or any officer empowered in this behalf by the State Government may by general or special order, exempt any person or class or section of such inhabitants from liability to pay the whole or any part of the fine apportioned to them.

(3) The Commissioner of Police in Calcutta and the District Magistrate elsewhere after such enquiry as he may deem necessary by himself or some other officer deputed for the purpose, shall apportion such fine amongst the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the judgment of the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered—

(a) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court:

Act V of
1898.

Price—Indian, annas 2; English, 3d.

(Section 3.)

Provided that the State Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Ordinance regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

Act V of 1898.

(b) as arrears of land revenue.

Explanation:— For the purposes of this section—

(a) the expression “Calcutta” means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

Ben. Act IV of 1866.

Ben. Act II of 1866.

(b) the expression “inhabitants of an area” includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Bar to
legal
proceed-
ings.

3. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Ordinance.

West Bengal Ordinance No. XIV of 1950

THE WEST BENGAL SECURITY (SECOND AMENDMENT) ORDINANCE, 1950.

West Ben.
Act XIX of
1950.

WHEREAS it is expedient further to amend the West Bengal Security Act, 1950, for the purposes and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the West Bengal Security (Second Amendment) Ordinance, 1950.

Short title
and com-
mence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. For section 38 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

Substitu-
tion of new
section for
section 38
of West
Bengal Act
XIX of
1950.

“38. The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged in Calcutta, also by the Commissioner of Police, the First Land Acquisition Collector or the Second Land Acquisition Collector, and elsewhere, also by the District Magistrate, an Additional District Magistrate or a Special Land Acquisition Officer.

Explanation.—In this section ‘Calcutta’ has the same meaning as in section 17.”

3. Notwithstanding any law to the contrary, any order made or deemed or purported to have been made, or any notification issued or deemed or purported to have been issued, or any direction given or deemed or purported to have been given, under any provision of the said Act, by—

Validation.

- (1) the Commissioner of Police, Calcutta, or
- (2) the First Land Acquisition Collector, Calcutta, or
- (3) the Second Land Acquisition Collector, Calcutta, or

2 *The West Bengal Security (Second Amendment)
Ordinance, 1950.*

[West Ben. Ord. No. XIV of 1950.]

(Section 3.)

- (4) a District Magistrate, or
- (5) an Additional District Magistrate, or
- (6) the Special Land Acquisition Officer, Alipore, 24-Parganas,

in exercise or discharge or the purported exercise or discharge of any power or duty, in pursuance of any notified order made or deemed or purported to have been made by the State Government, under section 38 of the said Act as in force immediately before the commencement of this Ordinance, shall be deemed to be and to have always been valid.

West Bengal Ordinance No. XV of 1950

THE BENGAL AMUSEMENTS TAX (WEST BENGAL AMENDMENT) ORDINANCE, 1950.

[Published in the *Calcutta Gazette, Extraordinary*, of the 8th December 1950.]

Ben. Act
V of
1922.

WHEREAS it is expedient to amend the Bengal Amusements Tax Act, 1922 for the purposes and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Bengal Amusements Tax (West Bengal Amendment) Ordinance, 1950.

Short
title, com-
mencement
and
duration.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

(3) It shall, unless it ceases to operate earlier under article 213 of the Constitution of India, remain in force only up to the 31st day of March, 1951.

2. In section 15 of the Bengal Amusements Tax Act, 1922 (hereinafter referred to as the said Act), for the words "twenty per cent." wherever they occur the words "twelve and a half per cent." shall be substituted.

Amend-
ment of
section 15
of Bengal
Act V of
1922.

3. For section 18 of the said Act, the following section shall be substituted, namely:—

Substitu-
tion of
new
section
for
section 18.

"18. (1) There shall be charged, levied and paid to the State Government out of the monies paid or agreed to be paid to a licensed bookmaker by a backer in respect of a bet made in an enclosure set apart under the provisions of the Bengal Public Gambling (Amendment) Act, 1913, on any race, a tax, hereinafter referred to as the betting tax, amounting to twelve and a half per cent. of such monies.

Betting
tax.

(2) The betting tax shall be collected and paid to the State Government by a licensed bookmaker in such manner as may be prescribed:

Provided that where a backer wins a bet, the licensed bookmaker by whom the bet is made shall be entitled to deduct the amount of the betting tax, paid or payable by the licensed bookmaker to the State Government, from the monies payable by the licensed bookmaker to the backer in respect of the bet."

Ben. Act
IV of
1913.

2 *The Bengal Amusements Tax (West Bengal
Amendment) Ordinance, 1950.*

[West Ben. Ord. XV of 1950.]

(Sections 4—6.)

Omission
of section
19.

4. Section 19 of the said Act shall be omitted.

Amend-
ment of
section 20.

5. In sub-section (2) of section 20 of the said Act, for the words "by them to backers in satisfaction of bets" the words "to them by backers in respect of bets" shall be substituted.

Amend-
ment of
section
21.

6. In sub-section (2) of section 21 of the said Act, for the words and figures "to make over to the prescribed officer under section 19" the words and figures "to pay to the State Government under section 18" shall be substituted.

West Bengal Ordinance No. XVI of 1950

THE BENGAL (ALIENS) DISQUALIFICATION (WEST BENGAL AMENDMENT) ORDINANCE, 1950.

[Published in the *Calcutta Gazette, Extraordinary*, of the 11th December 1950.]

**Ben. Act
III of 1918.**

Whereas it is expedient further to amend the Bengal (Aliens) Disqualification Act, 1918, for the purposes and in the manner hereinafter appearing;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Bengal (Aliens) Disqualification (West Bengal Amendment) Ordinance, 1950. Short title and commencement.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. In section 3 of the Bengal (Aliens) Disqualification Act, 1918— Amendment of section 3 of Bengal Act III of 1918.

(a) for the words "British subject or a subject of an Acceding State" the words "citizen of India"; and

(b) for the words "British subjects or subjects of an Acceding State" the words "citizens of India"

shall be substituted.

Price—Indian, annas 2 English, 3d.



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Ordinance No. XVII of 1950

**The Raw Jute (Central Jute Board
and Miscellaneous Provisions)**

Ordinance, 1950

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1951

Price—Indian, annas 2; English, 3d.

West Bengal Ordinance No. XVII of 1950

THE RAW JUTE (CENTRAL JUTE BOARD AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1950.

[Published in the "Calcutta Gazette, Extraordinary", of the 14th December, 1950.]

West Ben.
Act VI of
1950.

WHEREAS a crisis has arisen in the jute industry on account of the owners of jute-mills not being able to secure adequate supplies of raw jute at the maximum prices fixed under the West Bengal Jute (Control of Prices) Act, 1950;

AND WHEREAS it is expedient to set up a Central Jute Board in West Bengal for ensuring equitable supply of raw jute to the owners of different jute-mills;

AND WHEREAS it is also expedient to make certain other miscellaneous provisions for the better regulation of the jute trade and for the protection of cultivators of jute;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950.

Short title,
extent
and
commen-
cement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date of its publication in the *Official Gazette*.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(1) "appointed day" means the date specified by the State Government by notification in the *Official Gazette* as the appointed day for the purpose of this Ordinance;

(2) "the Board" means the Central Jute Board constituted under section 4 of this Ordinance;

(3) "cultivator of jute" means any person who, whether by himself or by members of his family or by hired labour or by *adhiars* or *bargadars* or *bhagdars*, grows jute on any land in his possession;

(4) "jute" means the plant belonging to any species of the genus *Corchorus* and commonly called *pat*, *kosta*, *nalia* or *bimalipatam* and includes also the plant *hibiscus cannabinus*, commonly called *mesta*;

(5) "jute-mill" means a factory defined in, or declared to be a factory under the Factories Act, 1948, which is engaged wholly or in part in the manufacture of jute products;

2 The Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950.

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(Sections 3, 4.)

- (6) "owner of a jute-mill" means the person who has ultimate control over the affairs of the jute-mill:

Provided that, where the affairs of a jute-mill are entrusted to a managing agent, such agent shall be deemed to be the owner of the jute-mill;

- (7) "prescribed" means prescribed by rules made under this Ordinance;

- (8) "raw jute" means the fibre of jute which has not been subjected to any process of spinning or weaving and includes jute cuttings, jute ropes and *habi jabi* whether loose or packed in bales or drums and whether or not containing any waste product or moisture;

- (9) "stockist of raw jute" means an owner of a jute-mill, a baler, a dealer in raw jute or any other person who in the ordinary course of business stocks raw jute;

- (10) "waste product" means strippings, odd filaments or fragments, droppings, sweepings, or other waste product of jute and includes also ropes of raw jute used for fastening raw jute in bales and also articles commonly known in the jute trade as *habi jabi*.

**Avoidance
of certain
contracts.**

3. (1) Every contract for the sale or supply of raw jute entered into before the appointed day which on such day remains to be performed wholly or in part shall to the extent it so remains to be performed, be void and unenforceable in law.

(2) So much of any brokerage in respect of any contract as aforesaid as relates to such contract to the extent such contract becomes void and unenforceable under sub-section (1), shall not be payable.

**Constitu-
tion of
Central
Jute
Board.**

4. (1) As soon as may be after the commencement of this Ordinance the State Government shall constitute a Central Jute Board consisting of the following members, namely:—

- (a) four persons representing the Indian Jute Mills Association nominated by that Association and approved by the State Government;
- (b) two persons representing the Jute Dealers Associations nominated by the State Government;
- (c) two persons representing the Jute Balers Associations nominated by the State Government.

(2) The Chairman of the Board shall be nominated by the State Government and shall be a member of the Board. The Chairman shall hold office for such period as may be determined by the State Government.

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(Sections 5, 6.)

(3) The procedure of the Board shall be such as may be prescribed.

(4) The Board shall comply with such directions, if any, as may from time to time be issued to it by the State Government.

5. (1) No person shall sell or agree to sell raw jute to the owner of a jute-mill and no owner of a jute-mill shall buy or agree to buy raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section 6.

Contracts for sale or supply of raw jute not to be made except in the manner provided.

(2) Any contract entered into for the sale or the supply of raw jute with the owner of a jute-mill save and except in the manner provided in section 6 shall be void and of no effect.

(3) Any person contravening the provisions of sub-section (1) shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

6. (1) Any person who intends to enter into a contract for the sale or the supply of raw jute with the owner of a jute-mill shall apply to the Board specifying the quantity, quality and trade description of such jute and such other particulars in respect thereof, if any, as may be prescribed.

Manner of making contracts.

(2) The Board shall, after considering the application, select an owner of a jute-mill (who has signified in writing to the Board his intention to buy raw jute) with whom the applicant shall enter into a contract for the sale or the supply of raw jute within a date specified by the Board.

(3)(i) The applicant and the owner of a jute-mill selected under sub-section (2) shall thereupon, within the date specified by the Board, enter into a contract for the sale or supply of raw jute on such terms and conditions (including terms as to arbitration in case of dispute), as may be agreed upon between them, and in the event of there being no such agreement, as may be prescribed:

Provided that the prices for raw jute fixed under such contract, shall not exceed the maximum prices, if any, as may be fixed under the West Bengal Jute (Control of Prices) Act, 1950.

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(ii) An applicant or the owner of a jute-mill selected under sub-section (2), who refuses to comply in any manner with the provisions of clause (i), shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) In considering applications and in selecting owners of jute-mills under sub-section (2), the Board shall endeavour to ensure equitable supply of raw jute among owners of different jute-mills, but the selection of the Board shall not be questioned by or in any court of law.

4 *The Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950.*

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(Sections 7—9.)

(5) The Board may levy in the prescribed manner a cess from the applicant who enters into a contract for the sale or the supply of raw jute in accordance with the provisions of clause (i) of sub-section (3), at such rate as may be fixed from time to time by the Board, not exceeding one-eighth *per centum* of the value of the raw jute sold or supplied by the applicant under such contract.

Prohibition of delivery or acceptance of raw jute except in pursuance of contracts made in the manner provided.

7. (1) No person shall deliver or cause to be delivered to the owner of a jute-mill and no owner of a jute-mill shall accept or cause to be accepted any raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section 6.

(2) Any person contravening the provisions of sub-section (1) shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

(3) The provisions of section 5, section 6, and this section shall have effect on and from the appointed day.

Power to license stockists of raw jute.

8. (1) The State Government may, at any time by notification in the *Official Gazette*, require all stockists of raw jute to take out licenses under this Ordinance within a date specified in the notification.

(2) The terms and conditions and the procedure and the manner of taking out licenses shall be such as may be prescribed.

(3) The State Government may, by notification in the *Official Gazette*, require all holders of license to submit returns of stocks of raw jute in such form and at such times as may be specified in the notification.

(4) Any stockist in raw jute who fails to take out license within the date specified in the notification or fails to submit returns as required under sub-section (3), shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

Obtaining information, etc.

9. (1) Subject to such rules as may be prescribed, any officer authorised in this behalf by the State Government may, with a view to securing compliance with the provisions of this Ordinance—

(a) require any person to give any information in his possession with respect to any business carried on by that or any other person;

(b) enter with such assistants, if any, being persons in service of the State Government, as he thinks fit, any premises and

(i) make or cause to be made by such assistants such examination of premises and of any accounts, books, documents and stocks of jute therein as he thinks fit;

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(Sections 10—13.)

(ii) take or cause to be taken by such assistants extracts from copies of any accounts, books or documents referred to in sub-clause (i);

(iii) seize or cause to be seized by such assistants any stocks of jute in respect of which he suspects that any offence under this Ordinance has been committed and any accounts, books or other documents referred to in sub-clause (i) which are in his opinion relevant to prove the commission of such offence and keep such stocks of jute, accounts, books or documents in his custody or in such other custody as may be prescribed, pending investigation or prosecution.

(2) Any person who fails to give any information required to be given under clause (a) of sub-section (1) or who obstructs any person in the exercise of any power conferred by clause (b) of that sub-section shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

10. (1) The State Government may, by notification in the *Official Gazette*, fix minimum prices which may be charged for raw jute bought from cultivators of jute.

Power to fix minimum prices of raw jute bought from cultivators.

(2) Different minimum prices may be fixed under sub-section (1) according to the quality, variety and trade description of raw jute and the area in which such jute is grown.

(3) Any person buying raw jute from a cultivator of jute at any price lower than the minimum price fixed under sub-section (1), after a notification has been issued under that sub-section, shall be guilty of an offence under this Ordinance and shall be punishable with imprisonment which may extend to six months or with fine or with both.

11. Where the person committing any offence under any of the provisions of this Ordinance is a company or an association or a body of persons whether incorporated or not, every director, manager, secretary or other officer or person concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence.

Offence by corporations, etc.

12. No prosecution for any offence under this Ordinance shall be instituted except with the previous sanction of the State Government or of such other officer of the State Government as may be prescribed.

Cognizance of offences.

13. (1) No suit or other legal proceeding shall lie against the State Government for anything which is in good faith done, or intended to be done, under this Ordinance or any rules made thereunder.

Indemnity.

6 *The Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950.*

[West Ben. Ord. XVII of 1950.]

(Sections 14, 15.)

(2) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Ordinance or any rules made thereunder.

Power to
make
rules.

14. (1) The State Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the power under sub-section (1), such rules may provide for all or any of the matters required to be prescribed under this Ordinance.

Ordinance
to prevail
over other
law, etc.

15. The provisions of this Ordinance and of any rules made thereunder shall have effect notwithstanding anything to the contrary in any other law, or in any custom, usage, contract or instrument.

West Bengal Ordinance No. XVIII of 1950

THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) (SECOND AMENDMENT) ORDINANCE, 1950.

[Published in the *Calcutta Gazette, Extraordinary*, of the 16th
December 1950.]

West Ben.
Act VIII
of 1948.

WHEREAS it is expedient to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948, for the purpose and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Corporation of Calcutta (Temporary Supersession) (Second Amendment) Ordinance, 1950.

Short title
and
commence-
ment.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. In sub-section (3) of section 1 of the Corporation of Calcutta (Temporary Supersession) Act, 1948, for the words and figures “31st day of December, 1950” the words and figures “31st day of March, 1952” shall be substituted.

Amend-
ment of
section 1
of West
Bengal Act
VIII of
1948.

Price—Indian, annas 2; English, 3d.

